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W. WILKIE, Prin. Public Graded School, West Aurora.

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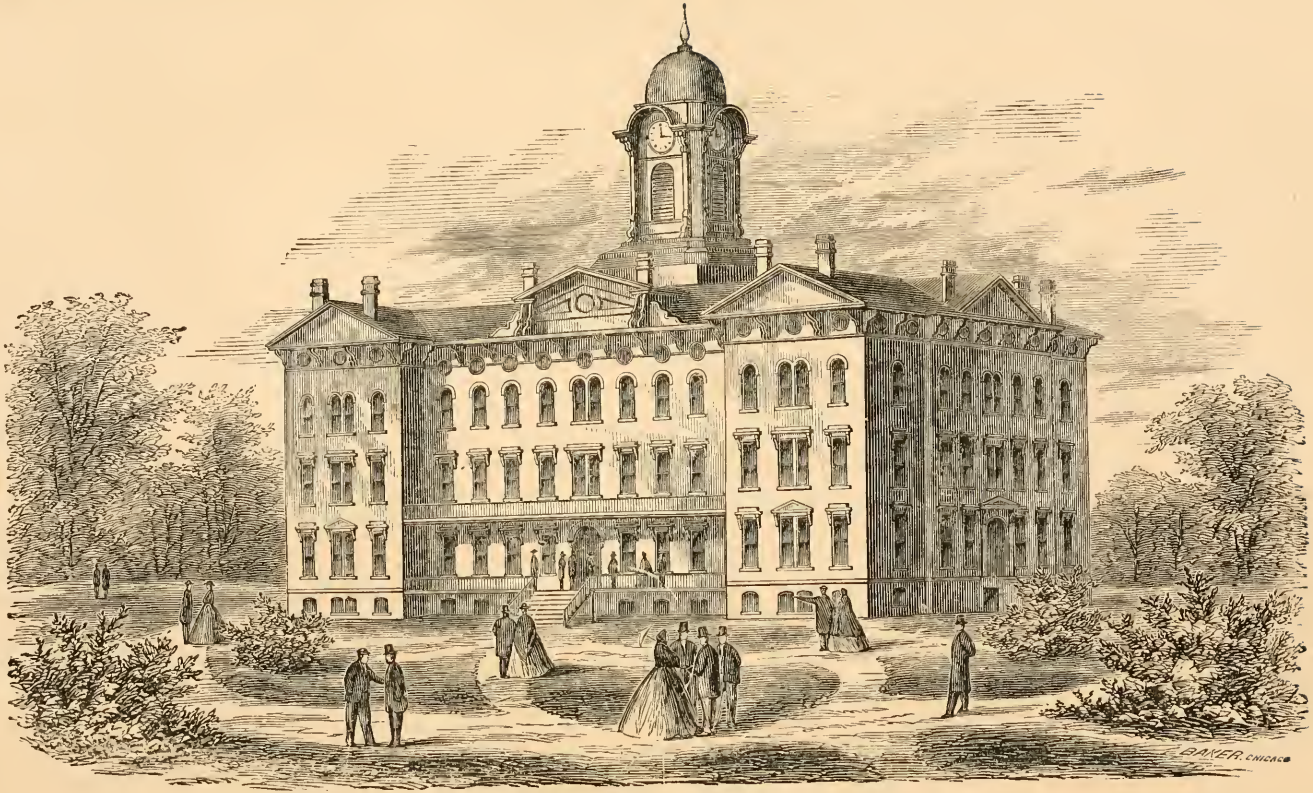
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MANUAL

OF

INSTRUCTION:

EXPLANATORY OF THE

COMMON SCHOOL LAW

OF THE

STATE OF ILLINOIS.

DESIGNED FOR THE USE OF SCHOOL OFFICERS AND TEACHERS, AND FOR GENERAL INFORMATION.

ISSUED FROM THE
DEPARTMENT OF PUBLIC INSTRUCTION, SPRINGFIELD, ILL.

ROCKFORD:
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1864.

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ENTERED ACCORDING TO ACT OF CONGRESS, IN THE YEAR 1864, BY

JOHN P. BROOKS,

IN THE CLERK'S OFFICE OF THE DISTRICT COURT OF THE UNITED STATES, FOR THE NORTHERN DISTRICT OF ILLINOIS.

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PREFACE.

It has only been attempted in the following pages to give to School Officers and Teachers, and others interested in the subject treated of, a more thorough and practical knowledge of our common school system,—such a knowledge as will enable county, township and district school officers to administer the affairs of their respective jurisdictions with greater promptness and regularity than heretofore.

The first place in the volume is given to the School Law.

Next, and in Part I of the volume, follows a general, though condensed, abstract of the provisions of the School Law as it is, in reference to the election, duties and powers of each class of officers connected with its administration. The subjects embraced in Part I are treated of in their natural order, and in detail; and it is believed that the instructions there given, if carefully studied and followed, will materially assist school officers in the discharge of their various duties, and secure throughout the State a degree of uniformity in the local administrations of the system which is so desirable, and which has not been heretofore attained.

Part II contains official opinions and interpretations of the School Law, as given by former Superintendents, including also those of the present administration, together with a number of judicial decisions, pronounced by the Supreme Court in connection with adjudged cases, the particulars of each case being briefly and fairly stated, and indicating plainly the principles at issue in each, with their final and authoritative adjudication. In this Part, I have attempted only to set forth the *general principles* of administration, as they are held to be obligatory by the authority of the tribunals enunciating them, and *not* to give an official report of *particular cases* decided by the Department. Indeed, to give such a report of particular cases adjudged and determined in this Office, would be simply impracticable. It would be so, because, in the first place, there are no official records of cases so adjudged and determined on file in the Office of Public Instruction, from which such detailed report can be made, no such records having ever been kept in the Office, or, if so, they have never come into my possession. In the second place, it would require a volume of much

larger capacity than the present one, to contain the twentieth part of such cases decided by the Department. Hence, I have treated only of *general principles*, as connected with the administration of the School Law. It is believed, however, that all the essential principles of a correct and lawful administration of the system have been so fully elucidated, that school officers need not materially err in their judgment in reference to any ordinary state of facts which may arise, and which may require their application. That every case of difference and controversy *will be* decided in the light of the principles herein treated of and explained, without appeal to the State Superintendent, is not expected. But it is hoped and believed that *many* such cases will be decided by local tribunals, which would otherwise be submitted for determination to the Department, and that the correspondence of the Office will thus be largely diminished, increasing the leisure of the State Superintendent for attention to other and important duties.

In Part III are found Blank Forms, prepared with reference to their simplicity and legal accuracy, and relating to all purposes for which such blanks are required to be used in the administration of our school system. Following the Forms, are designs for country and city school houses, of modern plan, with accompanying explanations, prepared by W. W. Boyington, Esq., Architect, Chicago. These will be truly valuable, and constitute a most useful feature of the volume. After the architectural plans follow other designs, with explanations, illustrating various styles of School Furniture and Apparatus, all of which are believed to be well adapted to the wants of our common schools.

The article on the subject of the Normal University was contributed by President Edwards, of that institution, and will be admired and valued by every reader for its general propriety and instructiveness. I am happy to make this public acknowledgment of my obligations to President Edwards for his kind service rendered in the preparation of the article mentioned.

The Manual is now sent forth upon its mission of usefulness, with the hope that it will answer the ends of its preparation. It cannot be claimed that it is free from imperfections, but the reader is assured that care has been taken to render it a reliable guide to officers in the administration of the School Law. It has been prepared amidst the pressure of official business, and has been made as perfect as time and opportunity would permit. It is commended to the kind favor of School Officers, School Teachers, and the friends of popular education generally.

JOHN P. BROOKS.

Department of Public Instruction,
Springfield, June. 1864.

ILLINOIS COMMON SCHOOL LAW.

AN ACT TO ESTABLISH AND MAINTAIN A SYSTEM OF FREE SCHOOLS.

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION—HIS ELECTION AND DUTIES.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That at the election to be held on Tuesday after the first Monday of November, A. D. 1858, and biennially thereafter, there shall be elected, by the legal voters of this state, a state superintendent of public instruction, who shall hold his office for two years, and until his successor is duly elected and qualified.

§ 2. Before entering upon his duties, he shall take and subscribe the usual oath of office, and shall also execute a bond, in the penalty of twenty-five thousand dollars, payable to the State of Illinois, with sureties to be approved by the governor, conditioned for the prompt discharge of his duties as superintendent of public instruction, and for the faithful application and disposition, according to law, of all school moneys that may come into his hands by virtue of his office; said bond and oath shall be deposited with the secretary of state, and an action may be maintained thereon by the state, at any time, for a breach of the conditions thereof.

§ 3. It shall be his duty to keep an office at the seat of government of the state, and to file all papers, reports and public documents transmitted to him by the school officers of the several counties, each year separately, and to keep and preserve all other public documents, books and papers relative to schools, coming into his hands as state superintendent, and to hold the same in readiness to be exhibited to the governor, or to any committee of either house of the general assembly; and shall keep a fair record of all matters pertaining to the business of his office.

§ 4. He shall, without delay, pay over all sums of money which may come into his hands by virtue of his office, to the officer or person entitled to receive the same, in such manner as may be prescribed by law.

§ 5. He shall counsel and advise, in such manner as he may deem most advisable, with experienced and practical school teachers, as to the best manner of conducting common schools.

§ 6. Said superintendent shall have the supervision of all the common and public schools in the state, and shall be the general adviser and assistant of school commissioners in the state; he shall, from time to time, as he shall deem for the interest of schools, address circular letters to said commissioners, giving advice as to the best manner of conducting schools, constructing school houses, furnishing the same, and procuring competent teachers.

§ 7. Said state superintendent shall, before the fifteenth day of December of every year preceding that in which shall be holden a regular session of the general assembly, report to the governor the condition of the schools in the several counties of the state, the whole number of schools which have been taught in each county in each of the preceding years, commencing on the first Monday of October; what part of said number have been taught by males exclusively; what part by females exclusively; what part of said whole number have been taught by males and females at the same time; and what part by males and females at different periods; the number of scholars in attendance at said schools; the number of white persons in each county under twenty-one years of age; the amount of township and county fund; the amount of the interest of the state or common school fund, and of the interest of the township and of the county fund annually paid out; the amount raised by an *ad valorem* tax; the whole amount annually expended for schools; the number of school houses, their kind and condition; the number of townships and parts of townships in each county; the number and description of books and apparatus purchased for the use of schools and school libraries under the provisions of this act, the prices paid for the same, and total amount purchased, and what quantity and how distributed; and the number and condition of the libraries, together with such other information and suggestions as he may deem important in relation to the school laws, schools, and the means of promoting education throughout the state; which report shall be laid before the general assembly at each regular session.

§ 8. The said state superintendent of public instruction shall make such rules and regulations as he may think necessary and expedient to carry into full effect the provisions of this act, and of all the laws which now are or may hereafter be in force for establishing and maintaining schools in this state; and the said superintendent shall have power, and it shall be his duty, to explain and interpret and determine to all school commissioners, directors, township and other school officers, the true intent and meaning of this act, and their several duties enjoined thereby, and his decision shall be final, unless otherwise directed by the legislature, or reversed by a court of competent jurisdiction.

§ 9. The said state superintendent shall have power to direct and cause the school commissioner of any county, directors or board of trustees, or township treasurer of any township, or other school officer, to withhold from any officer, or township, or teacher, any part of the common school, or township, or other school fund, until such officer, township, or teacher, shall have complied with all the provisions of this act relating to his, her or their duties, and such rules and regulations as the state superintendent may prescribe, not inconsistent with this act; and the state superintendent may forbid the payment of any part of the common school, township, county, or other school fund, to any district in which the school or schools have not been kept according to law, or in which no school has been kept for six months during the year next preceding the demand for payment.

§ 10. And the said state superintendent shall receive annually the sum of fifteen hundred dollars, to be paid quarterly, as a salary for the services required under the provisions of this act, or any other law that may be passed, and also for all necessary contingent expenses for books, postage and stationery pertaining to his office, to be audited and paid by the state, as the salaries and contingent expenses of other officers are paid.

SCHOOL COMMISSIONERS—THEIR ELECTION AND DUTIES.

§ 11. On the Tuesday next after the first Monday in November next, and on the Tuesday next after the first Monday in November every two years thereafter, there shall be elected, by the qualified voters of each and every county in this state, a school commissioner, who shall execute the duties herein required. He shall, before entering upon his duties, take an oath for the faithful discharge of his duties. He shall, before entering upon his duties, execute a bond, payable to the state of Illinois, with two or more responsible freeholders as security, to be approved by the county court (or in counties adopting the township organi-

ization, by the board of supervisors), in a penalty of not less than twelve thousand dollars, to be increased at the discretion of said court, in proportion to his responsibilities, conditioned that he will faithfully perform all the duties of school commissioner of said county, according to the laws which are or may be in force; by which bond the obligors shall be bound jointly and severally, and upon which an action or actions may be maintained by the board of trustees of the proper township, for the use of any township or fund injured by any breach thereof; and joint action may be had for two or more funds.

§ 12. The bond required in the foregoing section shall be in the following form, viz:

STATE OF ILLINOIS, } ss.
——— *County.* }

Know all men by these presents, that we, A. B., C. D. and E. F., are held and firmly bound, jointly and severally, unto the people of the state of Illinois, in the penal sum of ——— dollars, to the payment of which we bind ourselves, our heirs, executors and administrators, firmly by these presents. In witness whereof, we have hereunto set our hands and seals, this ——— day of ———, A. D. 185—.

The condition of the above obligation is such, that if the above bounden A. B., school commissioner of the county aforesaid, shall faithfully discharge all the duties of said office according to the laws which now are, or may hereafter be in force, and shall deliver over to his successor in office all moneys, books, papers and property in his hands as such school commissioner, then this obligation to be void; otherwise to remain in full force and virtue.

A—— B——, [SEAL.]
C—— D——, [SEAL.]
E—— F——, [SEAL.]

And which bond shall be filed in the office of the county court.

§ 13. The said commissioner shall be liable to removal by the county court (or in counties adopting township organization, by the board of supervisors,) for any palpable violation of law or omission of duty; and if a majority of said court or board of supervisors shall at any time be satisfied that his bond is insufficient, it shall be his duty, on notice, to execute a new bond, to be payable, conditioned and approved as the first bond; the execution of which shall not affect the old bond, or the liability of the security thereof; and when the office of school commissioner shall become vacant, by death, resignation or otherwise, the county court, or board of supervisors, shall fill the same by appointment for the unexpired term, and the person so appointed shall hold his office until his successor shall be qualified.

§ 14. The said commissioner shall provide three well bound books, to be known and designated by the letters A, B, C, for the following purposes: In book A he shall record at length all petitions presented to him for the sale of common school lands, and the plats and certificates of valuation made by or under the direction of the trustees of schools, and the affidavits in relation to the same. In book B he shall keep an account of all sales of common school lands; which account shall contain the date of sale, name of purchaser, description of lands sold, and the sum sold for. In book C he shall keep a regular account of all moneys received for lands sold, or otherwise, and loaned or paid out; the person of whom received, and on what account, and showing whether it is principal or interest; the person to whom loaned, the time for which the loan was made, the rate of interest, the names of the securities when personal security is taken, or if real estate is taken as security, a description of said real estate, and if paid out, to whom, when, and on what account, and the amount paid out; the list of sales, and the accounts of each township fund to be kept separate. Said books shall be paid for out of the county treasury of the counties in which they are used.

§ 15. Whenever the bond of the township treasurer, approved by the board of trustees of schools, as required by law, shall be delivered by the trustees of schools, or either of them, to the school commissioner, he shall receive and file the same with the papers of his office. He shall then, on demand, deliver to said township treasurer, who shall receipt therefor, all moneys in his hands belonging to said township; also, all bonds, mortgages, notes and securities of

every description, for money or property due or to become due the township, and all papers of every description belonging to or in anywise pertaining to the rights or interests of said township; and the receipt of said treasurer to the school commissioner shall be carefully preserved, and shall be evidence of the facts therein stated, as well in favor of the school commissioner as against the township treasurer.

§ 16. Upon the receipt of the amount due upon the auditor's warrant, the school commissioner shall apportion one-third of said amount to the several townships and parts of townships in his county, in proportion to the number of acres in said townships and parts of townships, and the remaining two-thirds to the several townships and fractional townships in his county, according to the number of white children, under twenty-one years of age, returned to him, in which townships or parts of townships schools have been kept in accordance with the provisions of this act, and with the instructions of the state and county superintendents, and shall pay over the distributive share belonging to each township and fractional township, as aforesaid, to the respective township treasurers, or other authorized persons, annually. When there is a county fund in the hands of any school commissioner, it shall be loaned, and the interest applied as provided in this section with respect to the interest on the state fund.

§ 17. The school commissioner shall also, on or before the second Monday of November, before each regular session of the general assembly, or annually, if so required by the state superintendent, communicate to said superintendent all such information and statistics upon the subjects of schools in the county as the said superintendent is bound to embody in his report to the governor, and such other information as the state superintendent shall require.

§ 18. The school commissioner, upon his removal or resignation, or at the expiration of his term of service (or in case of his death, his representatives), shall deliver over to his successor in office, on demand, all moneys, books, papers and personal property, belonging to the office, or subject to the control or disposition of the school commissioner.

§ 19. The school commissioner may loan any money, not interest, belonging to the county fund, before the same is called for according to law by the township treasurer, at the same rate of interest, upon the same security and for the same length of time as is provided by this act in relation to the township treasurers; and notes and mortgages taken in the name of the "school commissioner" of the proper county, shall be, and all loans heretofore made in the name of "school commissioners," are hereby declared to be as valid as if taken in the name of "trustees of schools" of the proper township, and suits may be brought in the name of "school commissioners" on all notes and mortgages heretofore or hereafter made payable to school commissioners.

§ 20. It shall be the duty of the school commissioner to visit, as often as practicable, the several schools of his county, and to note the common method of instruction and branches taught, and give such directions in the art of teaching, and the method thereof, in each school, as to him, together with the directors, shall be deemed expedient and necessary, so that each school shall be equal to the grade for which it was established, and that there may be, as far as practicable, uniformity in the course of studies in the schools of the several grades respectively, and shall carry out the advice and instructions of the state superintendent. All questions and controversies arising under the school law, in the several counties, shall first be submitted to the school commissioner, for his opinion and advice; whence appeal may be taken to the state superintendent, upon a written statement of facts, subscribed by the school commissioner and certified by representatives of each party concerned: *Provided*, that nothing in this act shall be construed to vest the school commissioners or superintendent with judicial power.

§ 21. In all cases where the township board of trustees of any township shall fail to prepare and forward, or cause to be prepared and forwarded, to the school commissioner, the information and statistics required of them in this act, it shall be the duty of said school commissioner to employ a competent person to

take the enumeration, and furnish said statistical statement, as far as practicable, to the commissioner; and said person so employed shall have free access to the books and papers of said township, to enable him to make such statement; and the township treasurer, or other officer or person in whose custody such books and papers may be, shall permit said person to examine such books and papers, at such times and places as such person may desire, for the purposes aforesaid; and the said school commissioner shall allow, and pay, to the person so employed by him, for the services, such amount as he may judge reasonable, out of any money which is or may come into said commissioner's hands, apportioned as the share of or belonging to such township; and the said school commissioner shall proceed to recover and collect the amount so allowed or paid for such services, in a civil action before any justice of the peace in the county, or before any court having jurisdiction, in the name of the people of the state of Illinois, of and against the trustees of schools of said township, in their individual capacity; and in such suit or suits the school commissioner and township treasurer shall be competent witnesses; and the money so recovered, when collected, shall be paid over to the school commissioner, for the benefit of said township, to replace the money taken as aforesaid.

§ 22. When any real estate shall have been taken for debts due to any school fund, the title to which real estate has become vested in any school commissioner, or trustees of schools, for the use of the inhabitants of two or more townships, the school commissioner may resell such real estate for the benefit of said townships, under the provisions of this act regulating the sale of the common school lands; and the said commissioner is hereby authorized to execute conveyances to purchasers; and said commissioner shall be entitled to retain the same per centage on the amount of such sale out of the assets thereof, as he is entitled to for selling the common school lands.

TOWNSHIPS—TRUSTEES OF SCHOOLS.

§ 23. Each congressional township, as surveyed and laid off by authority of the United States, is hereby established a township for school purposes. The business of the township shall be done by three trustees, to be elected by the legal voters of the township; and the said township, upon the election of trustees, as aforesaid, as hereinafter provided for, shall be a body corporate and politic, by the name and style of "trustees of schools of township ——, range ——," according to the number. The said corporation shall have perpetual existence, and shall have power to sue and be sued, to plead and be impleaded, in all courts and places where judicial proceedings are had. Said trustees shall continue in office two years and until others are elected, and enter upon the duties of their office.

§ 24. No person shall be eligible to the office of trustee of schools unless he shall be twenty-one years of age and a resident of the township.

§ 25. The election of trustees of schools shall be on the second Monday in October, biennially, but in townships where such election has not been heretofore had, or where there are no trustees of schools, the election of trustees of schools may be holden on Monday; notice being given as hereinafter in this section required. The first election shall be ordered, if in townships already incorporated, by the trustees of schools of the township, the township treasurer giving notice of the time and place, by posting up notices of the same at least ten days previous to the day of election, at or in the school house, or in the most public place in every school district in the township. If there are no trustees of schools in a township, the clerk of the county court shall cause the notice to be given as aforesaid. For all subsequent elections, the like notices shall be given by the trustees of schools, through the township treasurer: *Provided*, that if, upon any day appointed as aforesaid, for the election aforesaid, the said trustees of schools, or judges, shall be of opinion that, on account of the small attendance of voters, the public good requires it, or if the voters present, or a majority of them, desire it, they shall postpone said election until the next Monday, and at the same place and hour; at which meeting the voters shall

proceed as if it were not a postponed or adjourned meeting: *And, provided also,* that if notice shall not have been given as above required, then, and in that case, said election may be ordered as aforesaid, and holden on the first Monday in November, or any other Monday; notice thereof being given as aforesaid.

§ 26. Two of the trustees of schools of incorporated townships, if present, shall act as judges, and one as clerk of said election. If said trustees shall fail to attend, or refuse to act when present, and in townships unincorporated, the qualified voters present shall choose from amongst themselves three judges and a clerk to open and conduct said election.

§ 27. The time and manner of opening, conducting and closing said election, and the several liabilities appertaining to the judges and clerks, and to the voters separately and collectively, and the manner of contesting said elections, shall be the same as prescribed by the general election laws of this state, defining the manner of electing magistrates and constables, so far as applicable, subject to the provisions of this act: *Provided,* the judges may close said election at four o'clock, P. M.

§ 28. No person shall vote at said election unless he possesses the qualification of a voter at a general election. In case of a tie at such election it shall be determined by lot, on the day of election, by the judges thereof.

§ 29. When a vacancy or vacancies shall occur in the board of trustees of schools, the remaining trustee or trustees shall order an election to fill such vacancy, upon any Monday; notice to be given as required in section twenty-five hereof.

§ 30. Upon the election of trustees of schools, the judges of the election shall cause the poll book of said election to be delivered to the school commissioner of the county, with a certificate thereon showing the election of said trustees, and names of the persons elected; which poll book, with the certificate, shall be filed by said commissioner, and shall be evidence of such election.

§ 31. The said trustees of schools, elected as aforesaid, shall be successors to the trustees of school lands, appointed by the county commissioners' court, and of trustees of schools elected in townships under the provisions of "An act making provisions for organizing and maintaining common schools," approved February 26, 1841, and of "An act to establish and maintain common schools," approved March 1, 1847. All rights of property, and rights and causes of action, existing or vested in the trustees of school lands, or trustees of schools appointed or elected as aforesaid for the use of the inhabitants of the township, or any part of them, shall vest in the trustees of schools as successors, in as full and complete a manner as was vested in the school commissioner [the trustees of school lands], or the trustees of schools appointed and elected as aforesaid.

§ 32. It shall be the duty of the township board of trustees to hold regular semi-annual sessions on the first Mondays of April and October in each year, and may meet at such other times and such other places as they may think proper; and the president of the board, or any two members thereof, may call a special meeting of the board; and at all meetings of the board, two of its members shall constitute a quorum to transact any business. Said board shall organize by appointing one of their number president, and some person, who shall not be a director or member of the board, township treasurer, who shall be *ex officio* clerk of the board. The said president and township treasurer shall hold their offices during the term for which that board of trustees, by which they are appointed, shall have been elected, and until their successors are appointed, and until their newly appointed treasurer has given bond as required by this act; either of said officers, however, for good cause, may be removed by the board. It shall be the duty of the president, when present, to preside at the meetings of the board; and it shall be the duty of the clerk to be present at all meetings of the board, and to record in a book to be provided for the purpose all their official proceedings, which shall be a public record, open to the inspection of any person interested therein; and all said proceedings, when recorded, shall be signed by the president and clerk. If the president or clerk shall be absent, or refuse to perform any of the duties of his office at any meeting of the board, a president or clerk, *pro tempore,* may be appointed.

§ 33. Trustees of schools shall lay off the township into districts to suit the wishes and convenience of a majority of the inhabitants of their townships, and shall prepare, or cause to be prepared, a map of their township, as often as may be necessary, on which shall be designated districts, to be styled district No. ——, in township No. ——, which they may alter or change at any regular session; which map shall be certified by the president and clerk of the board, and filed with and recorded by the county clerk, in a book to be kept for that purpose, to be paid for out of the county treasury: *Provided,* that school districts may be formed out of parts of two or more townships or fractional townships; in which case the trustees of the schools of the townships interested shall act in conjunction in the formation of such district. When a new district is formed from one or more districts, the trustees shall make division of any tax funds which are or may be in the hands of any officer, in proportion to the amount of taxes collected from the property remaining in each district; and it shall be the duty of the officer to pay the same on the order of the trustees.

§ 34. At each meeting on the first Monday of April and October, the trustees having ascertained the amount of state, county and township funds on hand and ready for distribution, shall apportion the same as follows: *First,* two per cent. to the township treasurer. *Second,* whatever may be due for the books of the treasurer. *Third,* any reasonable amount for dividing school lands, making plats, &c. *Fourth,* of the balance, one half shall be divided among the districts, in proportion to the number of children, under twenty-one, in each, and the other half in proportion to the attendance certified in the schedules. Thereupon, the township treasurer shall pay out the money to the several persons to whom it shall be distributed, and hold the balance, if any, apportioned on the schedules, subject to the order of the directors of the proper district. They shall also ascertain the amount of *district tax money* in the hands of the treasurer, and direct him to pay over the same on the order of the directors of the district to which it belongs.

§ 35. Pupils may be transferred from one district to another, either in the same or in different townships, only upon the written consent of the directors of both districts. The school thus formed shall be under the control of the directors of the district in which it is kept. A separate schedule shall be kept for each district, upon the return of which to the trustees of the proper township, they shall instruct their treasurer to pay the amount certified in said schedule to be due, to the teacher entitled thereto; and such separate schedule, duly certified shall be taken by the several boards of trustees and their treasurers, as evidence of the consent of directors, unless objection be made, in writing, by two directors of one of the districts concerned. The aforesaid written permits shall be returned to and filed by the teacher of said school, and shall be evidence of said permission. But a majority of the directors of the several districts may unite the whole, or a part of each, into one, and place the school under the control of the [three] persons whom they may appoint, and who shall be styled "Directors of Union School, in District No. ——, in Township No. ——," who shall be a body politic and corporate, with full power to levy taxes in the territory composing the Union District, and with all other powers conferred by this act upon directors.

§ 36. The board of trustees in each township in this state shall prepare, or cause to be prepared by the township treasurer, the clerk of the board, or other person, and forwarded to the school commissioners of the county in which the township lies, on or before the second Monday of October preceding each regular session of the general assembly of this state, and at such other times as may be required by the school commissioner, or by the state superintendent of public instruction, a statement, exhibiting the condition of schools in their respective townships for the preceding biennial period, giving separately each year, commencing on the first Mondays of October and ending on the last of September; which statement shall be as follows: 1st. The whole number of schools which have been taught in each year: what part of said number have been taught by males exclusively; what part have been taught by females ex-

clusively; what part of said whole number have been taught by males and females at the same time, and what part by males and females at different periods. 2d. The whole number of scholars in attendance at all the schools, giving the number of males and females separately. 3d. The number of male and female teachers, giving each separately; the highest, lowest and average monthly compensation paid to male and female teachers, giving each item separately. 4th. The number of persons under twenty-one years of age. 5th. The amount of the principal of the township fund; the amount of the interest on the township fund paid into the township treasury; the amount of state or common school fund received by the township treasurer; the amount raised by *ad valorem* tax, and the amount of such tax received into the township treasury, and the amount of all other funds received into the township treasury. 6th. Amount paid for teachers' wages; the amount paid for school house lots; the amount paid for building, repairing, purchasing, renting and furnishing school houses; the amount paid for school apparatus, for books and other incidental expenses for the use of school libraries; the amount paid as compensation to township officers and others. 7th. The whole amount of the receipts and expenditures for school purposes, together with such other statistics and information in regard to schools as the state superintendent or school commissioner may require.

§ 37. In all cases where a township is or shall be divided by a county line or lines, the board of trustees of such township shall make, or cause to be made separate enumerations of male and female white persons of the ages as directed in the foregoing section of this act, designating separately the number residing in each of the counties in which such township may lie, and forward each respective number to the proper school commissioner of each of said counties; and in like manner, as far as practicable, all other statistics and information enumerated and required to be reported in the aforesaid section, shall be separately reported to the several school commissioners; and all such parts of said statistical information as are not susceptible of division, and are impracticable to be reported separately, shall be reported to the school commissioner of the county in which the sixteenth section of such township is situated.

§ 38. At each semi-annual meeting, and at such other meetings as they may think proper, the said township board shall examine all books, notes, mortgages, securities, papers, moneys and effects of the corporation, and the accounts and vouchers of the township treasurer, or other township school officer, and shall make such order thereon for their security, preservation, collection, correction of errors, if any, and for their proper management, as may seem to said board necessary.

§ 39. The board of trustees of each township in the state may receive any gift, grant, donation or demise made for the use of any school or schools, or library, or other school purposes within their jurisdiction; and they shall be, and are hereby invested, in their corporate capacity, with the title, care and custody of all school houses and school house sites; but the supervision and control of them is expressly vested in the directors of each district in which said property is situated; and when, in the opinion of the school directors, the school house site has become unnecessary, or unsuitable, or inconvenient for a school, said board shall sell and convey the same in the name of the said board, after giving at least twenty days' notice of such sale, by posting up written or printed notices thereof, particularly describing said property and terms of sale, and such conveyance shall be executed by the president and clerk of said board, and the avails shall be paid over to the township treasurer for the benefit of said district; and all conveyances of real estate, which may be made to said board shall be made to said board in their corporate name, and to their successors in office. When any two or more districts shall be consolidated into one, the new district shall own all the corporate property of the several districts; and when a district shall be divided, or a portion set off to another district, the funds, property, or the income and the proceeds thereof, belonging to such district shall be distributed or adjusted among the several parts by the trustees of the town or towns to which such district belongs, and in a just and equitable manner.

§ 40. The township board shall cause all moneys for the use of the township to be paid over to the township treasurer. They shall have power, also, to remove the township treasurer at any time, for any failure or refusal to execute or comply with any order or requisition of said board, legally made, or any other improper conduct in the discharge of his duty as treasurer, or at any time they may deem such removal expedient. They shall also have power, for any failure or refusal as aforesaid, to sue him upon his bond.

§ 41. The township trustees are hereby vested with general power and authority to purchase real estate, if in their opinion the interests of the township fund will be promoted thereby, in satisfaction of any judgment or decree wherein the said board or school commissioners are plaintiffs or complainants; and the title of such real estate so purchased shall vest in said board, for the use of the inhabitants of said township, for school purposes; and all purchases of land heretofore made by school commissioners, or trustees of school lands, or trustees of schools, for the use of any fund or township for the use of schools, are hereby declared valid. The said board are hereby vested with general power and authority to make all settlements with persons indebted to them in their official capacity; or receive deeds of real estate in compromise; and to cancel, in such manner as they may think proper, notes, bonds, mortgages, judgments and decrees, existing, or that may hereafter exist, for the benefit of the township, when the interest of said township or the fund concerned, shall, in their opinion, require it; and their action shall be valid. Said board of trustees are hereby authorized to sell or lease, at public auction, any land that may come into their possession, in such manner and on such terms as they shall deem for the interest of the township: *Provided,* that in all cases of sale of land, as provided in this section, the sale shall be made at the same place, and notice given of it in the same manner as is provided in this act for the sale of the sixteenth section.

SCHOOL DIRECTORS—THEIR ELECTION AND DUTIES.

§ 42. The annual election of school directors shall be on the first Monday of August, when one director shall be elected in each district, who shall hold his office for three years, and until his successor is elected. In new districts the first election may be on any Monday, notice being given by the township treasurer, as for the election of trustees, when three directors shall be elected, who shall, at their first meeting, draw lots for their respective terms of office, for one, two, and three years. When vacancies occur, the remaining director or directors shall, without delay, order an election to fill such vacancies. Notices of all elections in organized districts shall be given by the directors, at least ten days previous to the day of said election. Said notices shall be posted in at least three of the most public places in the district, and shall specify the place where such election is to held, the time of opening and closing the polls and the question or questions to be voted on. Two of the directors shall act as judges and one as clerk of said election. But, if said directors shall fail to attend, or refuse to act, when present, and in unorganized districts, the legal voters when assembled shall choose three of their number to act as judges, and one as clerk of said election: *Provided,* that if upon the day appointed for said election, the said directors or judges shall be of opinion that, on account of the small attendance of voters, the public good requires it, or if the voters present, or a majority of them, shall desire it, they shall postpone said election until the next Monday, at the same place and hour, when the voters shall proceed as if it were not an adjourned meeting: *And, provided, also,* that if notice shall not have been given, as above required, then said election may be ordered as aforesaid, and holden on the third Monday in August, or any other Monday, notice thereof being given as aforesaid. In case of a tie the judges shall decide it, by lot, on the day of election. The directors shall appoint one of their number clerk, who shall keep a record of all the official acts of the board, in a well bound book, provided for the purpose; which record shall be submitted to the township treasurer, for his inspection and approval, on the first Mondays of April

and October, and at such other times as the township treasurer may require. Directors are authorized to use any funds belonging to their district, and not otherwise appropriated, for the purchase of a suitable book for their records, and the said records shall be kept in a punctual, orderly and reliable manner. No person shall be entitled to vote at any district election, on the question of raising money, unless he shall have resided in the district at least thirty days immediately preceding said election, nor unless he shall have paid a tax in said district the preceding year, or shall have been assessed in such district for the year in which such election is held. After every election of directors, the judges shall cause the poll book to be delivered to the township treasurer, with a certificate thereon showing the election of said directors and names of the persons elected; which poll book shall be filed by the township treasurer, and shall be evidence of said election. If any trustee or director shall not be an inhabitant of the district or township which he represents, an election shall be ordered to fill the vacancy, and no person shall be at the same time a director and trustee, nor shall a director or trustee be interested in any contract made by the board of which he is a member.

§ 43. For the purpose of establishing and supporting free schools for six months, and defraying all the expenses of the same, of every description; for the purpose of repairing and improving school houses; of procuring furniture, fuel, libraries and apparatus; and for all other necessary incidental expenses, the directors of each district shall be authorized to levy a tax, annually, upon all the taxable property of the district. They may also appropriate to the purchase of libraries and apparatus, any surplus funds, after [all] necessary school expenses are paid.

§ 44. At any meeting prior to the second Monday of September, annually, the directors of each district shall ascertain how much money must be raised by special district tax for school purposes during the ensuing year. They shall then find what rate per cent. this amount will require to be levied; which rate, together with a list of the resident tax payers, shall be certified and returned to the clerk of the county court, on or before the second Monday of September. The certificate may be in the following form:

"We hereby certify, that we require the rate of ——— to be levied, for school purposes, on all the taxable property of our district, for the year 18—. Given under our hands this ——— day of ———, 18—.

A. B. } Directors district No. ——, township
C. D. } No. ——, range No. ——, county
E. F. } of ——, and state of Illinois."

The money thus raised shall be appropriated by the directors to the various objects for which it was intended.

§ 45. According to the rate or rates certified as aforesaid, the said county clerk, when making out the tax books for the collector, should compute each taxable person's tax in said district, taking as a basis the whole amount of taxable property returned by the county assessor for that year, lying and being in said district, whether belonging to residents or nonresidents, and also each and every tract of land assessed by the assessor, which lies, or the largest part of which lies, in said district. The said county clerk shall cause each person's tax so computed to be set upon the tax book, to be delivered to the collector for that year, in a separate column, against each tax payer's name, or parcel of taxable property, as it appears in said collector's book, to be collected in the same manner, and at the same time, and by the same persons, as state and county taxes are collected: *Provided,* the assessments so made in the years intervening between the regular biennial assessments of real estate as provided in the revenue acts, shall be based upon the tax payer's real estate as assessed at the regular biennial assessment. The computations of each person's tax. and the levy made by the clerk, as aforesaid, shall be final and conclusive: *Provided, further, also,* the rate shall be uniform, and shall not exceed the rate certified by the board of directors; and the said county clerk, before delivering the tax book to the collector, shall make out and deliver, on demand, to each township treasurer, of the respective townships in the county, a certificate of the amount due each district

in his township, of said tax so levied and placed upon the tax books ; and on or before the first day of April next after the delivery of the tax books containing the computation and levy of said taxes aforesaid, or so soon thereafter as the township treasurer shall present the said certificate of the amount of said tax, and make a demand therefor, the said collector shall pay to said township treasurer the full amount of said tax, so certified by the county clerk, retaining from said amount only two per centum, as his fees for collection, taking of the township treasurer his receipt therefor, which receipt shall be evidence, as well in favor of the collector as against the township treasurer; and said treasurer shall enter the same in his books, under the proper heads, and pay the same out as provided for by this act. When a district is composed of parts of two or more townships, the directors shall determine and inform the collector in writing, under their hands as directors, which of the treasurers of the townships from which their district is formed shall demand and receive the tax money collected by the county collector as aforesaid.

§ 46. If any collector shall fail to pay the amount of said tax, or any part thereof, as required in the aforesaid section, it shall be competent for the township treasurer, or other authorized person, to proceed against such collector and his securities in an action of debt in the county court; which court is hereby vested with full power and authority to hear and determine all such suits, render judgments and issue executions; or said suit may be brought in any other court having jurisdiction; and the said collector, so in default, shall pay twelve per centum upon the amount due, to be assessed as damages, which shall be included in the judgment rendered against him: *Provided*, no collector shall be liable for such part of said tax as he shall be able to make appear he could not have collected by law, until he may be able to so collect such amount.

§ 47. When a district lies in two or more counties, the directors shall return to the clerk of the county court of each county the names of the resident tax payers in each. The clerk of each county shall then furnish the directors the amount of the taxable property of the district, lying in his county, as returned by the assessor of the previous year. The directors shall then determine and certify the rates to be levied, and return the certificates to the clerk of each county. For the purpose of building school houses or purchasing school sites, or for repairing and improving the same, the directors, by a vote of the people, may borrow money, issuing bonds executed by the officers or at least two members of the board, in sums of not less than one hundred dollars. But the rate of interest shall not exceed ten per cent., nor shall the sum borrowed in any one year exceed three per cent. of the taxable property of the district. Nor shall the tax levied in any one year for building a school house exceed two per cent. of said taxable property.

§ 48. The directors of each district are hereby declared a body politic and corporate, by the name of "School directors of district No. ——, township No. ——, county of ——, and State of Illinois," and by that name may sue and be sued in all courts and places whatever. Two directors shall be a quorum for business. The directors shall be liable, as directors, for the balance due teachers, and for all debts legally contracted. They shall establish and keep in operation, for at least six months in each year, a sufficient number of free schools for all the children in the district, over the age of five and under twenty-one years. They may adopt all necessary rules and regulations for the management of the schools, and shall visit and inspect the same as often as practicable. They shall appoint all teachers, fix the amount of their salaries, and may dismiss them for incompetency, cruelty, negligence or immorality. They may direct what branches shall be taught, and may suspend or expel pupils found guilty, on full examination, of refractory or incorrigibly bad conduct. No school site shall be purchased, nor shall a school house be erected, located, purchased or changed, nor shall a tax be levied to extend schools beyond six months, without the consent of a majority of the votes cast at an election, the notice of which shall state the questions to be decided, and shall be given as required in the forty-second section of this act.

OF JUDGMENTS AND EXECUTIONS AGAINST BOARDS OF TRUSTEES OR SCHOOL DIRECTORS.

§ 49. If judgment shall be obtained against any township board of trustees or school directors, the party entitled to the benefit of such judgment may have execution therefor; as follows, to-wit: it shall be lawful for the court in which such judgment shall be obtained, or to which such judgment shall be removed, by transcript or appeal from a justice of the peace or other court, to issue thence a writ, commanding the directors, trustees and treasurer of such township to cause the amount thereof, with interest and costs, to be paid to the party entitled to the benefit of said judgment, out of any moneys, unappropriated, of said townships; or if there be no such moneys, out of the first moneys applicable to the payment of the kind of services or indebtedness for which such judgment shall be obtained, which shall be received for the use of such township; and to enforce obedience to such writ by attachment, or by *mandamus*, requiring such board to levy a tax for the payment of said judgment; and all legal process, as well as writs to enforce payments of a judgment, shall be served either on the president or clerk of the board.

EXAMINATION AND QUALIFICATION OF TEACHERS.

§ 50. The school commissioner shall, either in person or by one or more competent examiners whom he shall appoint, examine any person proposing to teach a common school in the county, in orthography, reading in English, penmanship, arithmetic, English grammar, modern geography, and the history of the United States, and if he or they shall be satisfied that such person is of good moral character, and qualified to teach all of the aforesaid branches, he or they shall give such person a certificate, the GRADE of which shall be determined by the relative merit of the examination sustained. School commissioners shall be authorized, by this act, to issue THREE GRADES of teachers' certificates, viz.: FIRST GRADE—valid in the county for two years: SECOND GRADE—valid in the county for one year: THIRD GRADE—valid in a given district only, for six months. The commissioner may renew such certificate, at its expiration, by indorsement thereon, and he may revoke the same for gross immorality, incompetency or other adequate cause. Said certificate may be in the following form:

——— ILLINOIS, ——— 18—.
——— *County.*

The undersigned, having examined ——— in orthography, reading in English, penmanship, arithmetic, English grammar, modern geography, and the history of the United States, and being satisfied that ——— is of good moral character, hereby certify that ——— qualifications in all the above branches are such as to entitle ——— to this certificate, being of the ——— GRADE, and valid in ——— for ——— from the date hereof—renewable at the option of the school commissioner, by his endorsement thereon.

Given under ——— band, at the date aforesaid.

A. B., *School Commissioner.*
C. D., E. F., } *Examiners.*

Each school commissioner shall also keep a careful record, in a book provided for the purpose, of all the candidates to whom he issues certificates, noting the date of examination, the name, sex and age of each candidate, and the grade of the certificate granted—a transcript of which record shall be included in the annual report to the superintendent. The state superintendent of public instruction shall also be and is hereby authorized to grant and issue state certificates of eminent qualifications as teachers, to such persons as may be found worthy to receive the same, upon due examination, by himself or others whom he shall appoint for that purpose, and who shall exhibit satisfactory evidence of practical experience and success in teaching. Said state certificates shall supersede the necessity of any and all other examinations, and shall be of perpetual validity in every county and school district in the state; and the fee for each of such certificates shall be five dollars. But a state certificate may be canceled by the state superintendent, upon proof of immoral or unprofessional conduct: *Provided,* that each and every school or schools, of whatever grade, established or authorized to be established under the provisions of this act, shall be a school or schools for the purpose of teaching various branches of an English education;

and no part of the common school fund, township fund, or of any other school fund, shall be paid out or appropriated for the establishing, conducting, or the supporting in any manner of any other character or class of school or schools, as aforesaid designated: *Provided,* that nothing herein contained shall prevent the teaching a foreign language in a common school, as aforesaid.

§ 51. It shall be the duty of the school commissioner to fix upon the time of holding meetings for the examination of teachers, in such places in their respective counties, as will, in their opinion, best accommodate the greatest number of candidates for examination; notice of all such meetings having been published in some newspaper of general circulation; and all teachers who do not attend at the appointed time for said examination, shall pay to the school commissioner one dollar for their certificate.

TEACHERS—THEIR DUTIES.

§ 52. No teacher shall be entitled to any portion of the common school or township fund, or other public fund, or be employed to teach any school under the control of any board of directors of any school district in this state, who shall not, before his employment, exhibit to said board, or to a committee of said board, a certificate of qualification obtained under the provisions of this act; nor shall any teacher be paid any portion of the school or public fund aforesaid, unless he shall have kept and furnished schedules as herein directed.

§ 53. Teachers shall make schedules of the names of all scholars under twenty-one years of age, attending their schools, in the form prescribed by this act; and when scholars reside in two or more districts, townships or counties, separate schedules shall be kept for each district, township or county, and the absence or presence of every scholar shall be set down under the proper date, and opposite the name, on every day that school is open, and the absence of a scholar shall be signified by a blank—the presence by a mark. The schedule to be made and returned by the teacher shall be, as near as circumstances will permit, in the following form, viz.:

SCHEDULE of a common school kept by A B, at ——, in district number ——, in township number ——, range number ——, of the —— principal meridian, in the county of ——, in the State of Illinois.

Names and ages of scholars attending my school, and residing in district number —, in township — north, range — west, in — county.		1855	Monday, January	"	Tuesday,	"	Wednesday,	"	Thursday,	"	Friday,	"	Monday,	"	Tuesday,	"	Wednesday,	"	Thursday,	"	Friday,	"	Monday,	"	Tuesday,	"	Wednesday,	"	Thursday, February	"	Friday,	"	Monday,	"	Tuesday,	"	Wednesday,	"	Thursday,	"	Friday,	Total No. days of each scholar.
			15		16		17		18		19		22		23		24		25		26		29		30		31		1		2		5		6		7		8		9	
Name.	Age.																																								
John Smith	13			1	1					1	1	1	1	1	1						1	1						1	1	1			1	1	14
Isaac Meslie	10				1							1	1	1	1						1				1	1					1	1							11
Sarah Danforth	16	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	20
Mary Newman	19	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	19
Grand total number of days																																								64

	Males.	Females.	Total.
Number of Scholars	2	2	4

Average daily attendance 3.2

And the said teacher shall add up and set down the whole number of days' attendance of each scholar, and add up said whole numbers, and make out the grand total number of days' attendance. He shall also note the whole number of scholars, giving the males and females separately; the average daily attendance; and shall set the age of each pupil opposite the name of said pupil, as in the form above prescribed, and shall attach thereto his certificate, which shall be in the following form, viz.:

I certify that the foregoing schedule of scholars attending my school, as therein named, and residing as specified in said schedule, to the best of my knowledge and belief, is correct; and that it was a school for the purpose of teaching various branches of an English education.

A B, *Teacher.*

When the teacher shall have completed his or her schedule or schedules, as above required, he or she shall deliver it to some one of the directors, and it shall be the duty of said director, in connection with one other director of the board, to carefully examine such schedule or schedules, and, after correcting all errors, and if they shall find such schedule to have been kept according to law, they shall certify to the same, as near as practicable, in the following form, viz.:

STATE OF ILLINOIS, } ss.
——— *County.* }

We, the undersigned, directors of ———, in township number ———, range number ———, in the county aforesaid, certify that we have examined the foregoing schedule, and find the same to be correct, and that the school was conducted according to law. That there is now due said C D, teacher, as per contract, the sum of ——— dollars and ——— cents, and that the said teacher has a legal certificate of good moral character, and of qualification to teach a common school (or of such a grade as the case may be).

Witness our hands, this ——— day of ———, A. D. 185—.

A. B., }
C. D., } *Directors.*

Which schedule or schedules, certified as aforesaid by at least two directors, shall be filed by said directors with the township treasurer; and until such schedule and report, as aforesaid, shall have been filed as aforesaid, it shall not be lawful for said treasurer to pay said teacher, or any two members thereof to draw an order in favor of said teacher.

§ 54. School directors shall certify no schedule that reaches back to a time more than six months from the time fixed by law for the regular return and presentation of schedules to the school directors. Schedules made and certified, as afosesaid, shall, at least two days before the first Monday in April and October, be delivered by the directors to the township treasurer.

TOWNSHIP TREASURER—HIS DUTIES.

§ 55. The township treasurer appointed by the board of trustees, shall, before entering upon his duties, execute a bond, with two or more free holders, who shall not be members of the board, as securities, payable to the board of the township for which he is appointed treasurer, with a sufficient penalty to cover all liabilities which may be incurred, conditioned faithfully to perform all the duties of township treasurer, in township ———, range ———, in ——— county, according to law. The security shall be approved by at least a majority of the board, and shall be delivered by one of the trustees to the school commissioner of the proper county. And in all cases where such treasurer aforesaid is to have the custody of all bonds, mortgages, moneys and effects denominated principal, and belonging to the township for which he is appointed treasurer, the penalty of said treasurer's bond shall be twice the amount of said bonds, notes, mortgages, moneys and effects. And every township treasurer appointed subsequent to the first, as herein provided, shall execute a bond, with security, as is required of the first treasurer. The bond required in this section shall be in the following form, viz.:

STATE OF ILLINOIS, } ss.
———— County. }

Know all men by these presents, that we, A. B., C. D. and E. F., are held and firmly bound, jointly and severally, unto the board of ————, in said county, in the penal sum of ———— dollars, for the payment of which we bind ourselves, our heirs, executors and administrators, firmly by these presents. In witness whereof, we have hereunto set our hands and seals, this ———— day of ————, A. D. 18—.

The condition of the above obligation is such, that if the above bounden A. B., township treasurer of township ————, range ————, in the county aforesaid, shall faithfully discharge all the duties of said office according to the laws which now are, or may hereafter be in force, and shall deliver to his successor in office all moneys, books, papers, securities and property in his hands as such township treasurer, then this obligation to be void, otherwise to remain in full force and virtue.

A. B. [SEAL.]
C. D. [SEAL.]
E. F. [SEAL.]

Approved and accepted by

G. H., }
I. J., } *Trustees.*
K. L., }

§ 56. Every township treasurer shall provide himself with two well bound books, the one to be called a cash book, the other a loan book. He shall charge himself in the cash book with all moneys received, stating the charge, when, from whom and on what account received; and credit himself with all moneys paid or loaned, the amount loaned, the date of the loan, the rate of interest, the time when payable, the name of the securities, or, if real estate be taken, a description of the same. He shall also enter, in separate accounts, moneys received and moneys paid out, charging the first to debit account, and crediting the latter as follows, to wit: 1st. The principal of the township fund, when paid in and when paid out. 2d. The interest of the township fund, when received and when paid out. 3d. The common school fund, and other funds, when received from the school commissioner, and when paid out. 4th. The taxes received from the county collector, distinguishing between that for general school purposes and that levied for the purpose of prolonging schools. 5th. Donations received. 6th. Moneys coming from all other sources; and in all cases entering the date when received and when paid out; and he shall also arrange and keep his books and accounts in such other manner as may be directed by the state or county superintendent, or the board of trustees. He shall also provide a book, to be called a journal, in which he shall record fully and at length the acts and proceedings of the board, their orders, by-laws and resolutions; which book shall be at all times subject to the inspection of said board, or other persons authorized by this act, or of any committee appointed by the inhabitants of the township to examine the same. And he shall also provide a book, to be called a record, in which he shall enter a brief description of all notes or bonds belonging to the township, and upon the opposite page he shall note down when paid, or any remarks to show where or in what condition it is, as in the following form, viz.:

Makers' names.	Date of note.	When due.	Amount.	Remarks.
A B, C D, E F.	January 1st, 185–.	January 1st, 185–.	$90 00	January 6, 185–, handed to I J, Esq., for collection (or Jan. 6, 185–, paid).

§ 57. The township treasurers shall loan, upon the following conditions, all moneys which shall come to their hands by virtue of their office, except such as may be subject to distribution. The rate of interest shall be ten per centum per annum, payable half yearly in advance. The time for which loans shall be made shall be not less than six months nor more than five years. For all sums not

exceeding one hundred dollars, loaned for not more than one year, two responsible securities shall be given; for all sums over one hundred dollars and for all loans for more than one year, security shall be given by mortgage on real estate, unincumbered, in value double the amount loaned, with a condition that in case additional security shall at any time be required, the same shall be given to the satisfaction of the board of trustees for the time being. Notes, bonds, mortgages and other securities taken for money or other property, due or to become due to the board of trustees for the township, shall be payable to the said board by their corporate name; and in such name, suits, actions and complaints, and every description of legal proceedings, may be had for the recovery of money, the breach of contracts, and for every legal liability which may at any time arise or exist, or upon which a right of action shall accrue to the use of this corporation: *Provided, however,* that notes, bonds, mortgages and other securities in which the name of the school commissioner, or of the trustees of schools, are inserted, shall be valid to all intents and purposes; and suit shall be brought in the name of the board of trustees as aforesaid. The wife of the mortgager (if he has one) shall join in the mortgage given to secure the payment of money loaned by virtue of the provisions of this act.

§ 58. Mortgages to secure the payment of money loaned under the provisions of this act may be in the following form, viz.:

I, A. B., of the county of ———, and state of ———, do hereby grant, convey and transfer to the board of trustees of township ———, range ———, in the county of ———, and State of Illinois, for the use of the inhabitants of said township, the following described real estate, to wit: (Here insert premises.) Which real estate I declare to be in mortgage for the payment of —— dollars loaned to me, and for the payment of all interest that may accrue thereon, to be computed at the rate of ——— per cent. per annum until paid. And I do hereby covenant to pay the said sum of money in ——— years from the date hereof, and to pay interest on the same at the rate aforesaid half yearly in advance. I further covenant that I have a good and valid title to said real estate, and that the same is free from all incumbrance; and that I will pay all taxes and assessments which may be levied on said estate; and that I will give any additional security that may at any time be required by said board of trustees; and if said estate be sold to pay said debt, or any part thereof, or for any failure or refusal to comply with or perform the conditions or covenants herein contained, I will deliver immediate possession of the premises; and in consideration of the premises, C, wife of said A. B., doth hereby release to the said board all her right and title of dower, in the afore-granted premises, for the purposes aforesaid.

In testimony whereof we have hereunto set our hands and seals this ——— day of ———, 18—.

A. B., [SEAL.]
C. D., [SEAL.]

Which mortgage shall be acknowledged and recorded, as is required by law for other conveyances of real estate, the mortgager paying the expenses of acknowledgment and recording, and fifty cents as a fee to the township treasurer.

§ 59. Upon the breach of any condition or stipulation contained in said mortgage, an action may be maintained and damages recovered as upon other covenants; but mortgages made in any other form to secure payment as aforesaid shall be valid as if no form had been prescribed. In estimating the value of real estate mortgaged to secure the payment of money loaned under the provisions of this law, the value of improvements liable to be destroyed shall not be included.

§ 60. In all cases where the board of trustees shall require additional security for the payment of money loaned, and such security shall not be given, the township treasurer shall cause suit to be instituted for the recovery of the same, and all interests thereon, to the date of judgment: *Provided,* that proof be made of the said requisition. In the payment of debts by executors and administrators, those due the common school or township fund shall have a preference over all other debts, except funeral and other expenses attending the last sickness, not including the physician's bill. And it shall be the duty of the township treasurer to attend at the office of the probate justice upon the proper day, as other creditors, and have any debts due as aforesaid probated and classed, to be paid as aforesaid.

§ 61. If default be made upon the payment of interest due upon money loaned by any school commissioner or township treasurer, or in the payment of the principal, interest at the rate of twelve per cent. per annum shall be charged upon the principal and interest from the day of default, which shall be included

in the assessment of damages, or in the judgment in suit or action brought upon the obligation to enforce payment thereof; and interest as aforesaid may be recovered in action brought to recover interest only. And the said township treasurers are hereby empowered to bring appropriate actions, in the name of the board of trustees, for the recovery of the half yearly interest, when due and unpaid, without suing for the principal, in whatever form secured, and justices of the peace shall have jurisdiction in such cases of all sums under one hundred dollars.

§ 62. All suits brought, or actions instituted under the provisions of this act, may be brought in the name of the "Board of Trustees of township ——, range ——," except as is provided for action *qui tam* in this act, or in favor of school commissioners. The township treasurer shall demand, receive and safely keep, according to law, all moneys, books and papers of every description belonging to his township. He shall keep the township fund loaned at interest; and if on the first Monday of October in any year there shall be any interest or other funds on hand which shall not be required for distribution, such amount not required, as aforesaid, may, if the board of trustees see proper, forever be considered as principal in the funds to which it belongs, and loaned as such.

§ 63. On the first Mondays of April and October, of every year, the township treasurer shall lay before the board of trustees a statement, showing the amount of interest, rents, issues and profits that have accrued or become due since their last regular half yearly meeting on the township lands and township funds, and also the amount of state and county fund interest on hand. He shall also lay before the said trustees all books, notes, bonds, mortgages, and all other evidence of indebtedness belonging to the township, for the examination of the trustees, and shall make such other statement as the board may require touching the duties of his office.

§ 64. For any failure or refusal to perform all the duties required of township treasurer by law, he shall be liable to the board of trustees upon his bond, to be recovered by action of debt by said board, in their corporate name, for the use of the proper township, before any court having jurisdiction of the amount of damages claimed; but if said treasurer, in any such failure or refusal, acted under and in conformity to a requisition or order of said board or a majority of them, entered upon their journal and subscribed by their president and clerk, then and in that case the members of the said board aforesaid, or those of them voting for said requisition or order as aforesaid, and not the treasurer, shall be liable, jointly and severally, to the inhabitants of the township, to be recovered by action of *assumpsit*, in the official name of the school commissioner, for the use of the proper township.

§ 65. When a township treasurer shall resign, or be removed, and at the expiration of this term of office, he shall pay over to his successor in office all money on hand, and deliver over all books, notes, bonds, mortgages, and all other securities for money, and all papers and documents of every description, in which the corporation may have any interest whatever; and in case of the death of the township treasurer, his securities and legal representatives shall be bound to comply with the requisitions of this section. And for any failure to comply with the requisitions of this section, he shall be liable to a penalty of not less than ten nor more than one hundred dollars, at the discretion of the court before which judgment may be obtained; and the obtaining or payment of said judgment shall in no wise discharge or diminish the obligation of his official bond.

TOWNSHIP AND COUNTY SCHOOL FUNDS.

§ 66. All bonds, notes, mortgages, and other evidences of indebtedness, moneys and effects, in the hands of any school commissioner, trustee of schools, township treasurer, or other officer, or person, and belonging to any county or township, and which have heretofore accrued, or may hereafter accrue from the sale of the sixteenth section, or of the common school lands of any township or county, or for the sale of any real estate or other property taken for any debt, or on any judgment, due to the principal of any county or township fund, and

all surplus interest and other funds which have been or shall hereafter be carried to and made part of the principal of any township or county funds, by any law which has heretofore been or may hereafter be enacted, in the hand of any county, township or other officer or person, and belonging to any county or township, and all sums arising from the loaning or reloaning of the principal of any township or county fund, are hereby declared to be and shall forever hereafter constitute the principal of the township or county fund, to which it may respectively belong, and no part thereof shall ever be distributed or expended for any purpose whatever, except the interest, rents and profits thereof, but shall be loaned out, and held to use, rent or profit, as herein, heretofore or may hereafter be provided by law.

§ 67. School funds collected from taxes levied by the orders of the directors, or from the sale of property belonging to any district shall be paid out on the order of the directors; and all moneys and school funds, liable to distribution, not being principal, paid into the township treasury, or coming into the hand of the township treasurer, shall be paid out only on the order of the proper board, signed by a majority of the board, or their president and clerk; and for all payments made, receipts shall be taken and filed; and in all such orders shall be stated the purpose for which or on what account drawn; and all such orders may be in the following form, to wit:

The treasurer of township number ———, range number ———, in ——— county, will pay to ——— or bearer, ——— dollars and ——— cents, (on his contract for repairing ——— school house, or otherwise, as the case may be). By order of the board of ——— said township.

C. D., *Clerk.* A. B., *President.*

Which, together with the receipt of the person to whom paid, shall be filed in the office of the township treasurer.

COMMON SCHOOL FUNDS.

§ 68. The common school fund of this state shall consist of such sum as will be produced by the annual levy and assessment of two mills upon each dollar's valuation of all the taxable property in the state; and there is hereby levied and assessed, annually, in addition to the revenue for state purposes, the said two mills upon each dollar's valuation of all the taxable property in the state, to be collected and paid, and the amount due from the state, according to a statement and settlement of the account between the state and that fund, under the provisions of an act, entitled "An act to provide for the distribution and application of the interest on the school, college and seminary fund," approved on the seventh of February, one thousand eight hundred and thirty-five, and of all funds which have been or may be received by the state from the United States, for the use and support of common schools; and also of the money added to the common school fund, which was received from the United States under an act of congress providing for the distribution of the surplus revenue of the United States, and which was invested in bank stock by authority of the state, and of the amount added to the school fund under an act requiring the three per cent. fund to be invested in state bonds: *Provided,* that in cases where, heretofore, the state taxes have not been collected in any county, such county shall not be entitled to a distribution of the college, seminary and school fund, for the period of time that no such taxes have been collected, and that the portion of the fund aforesaid shall in such cases be distributed without regard to such county.

§ 69. The state shall pay an interest of six per cent. per annum upon the amount of the aforesaid common school funds, except on so much thereof as may be realized from the levy of the tax directed to be levied under the provisions of this act, which shall be paid annually, and applied to the support of common schools, as herein provided. The state shall also pay, as aforesaid, and at the same time an interest of six per centum per annum upon the amount due the college and seminary fund; which interest shall be loaned to the common school fund, and known in this law and applied in all cases as interest on the common school fund as aforesaid.

§ 70. On the first Monday in January, in each and every year after taking the census of the state, the auditor of public accounts shall, under the supervision of the commissioners of the school fund of the state, ascertain the number of white children in each county in the state under twenty years of age, and shall thereupon make a dividend to each county of two-thirds the sum from the tax levied and collected under the provisions of the sixty-eighth section of this act; and the interest due on the school, college and seminary fund, in proportion to the number of white children in each county under the age aforesaid, and of the remaining one-third, in proportion to the number of townships and parts of townships in each county, and issue his warrant to the school commissioner of each county upon the collector thereof. And upon presentation of said warrant by the school commissioner to the collector of his county, said collector or treasurer shall pay over to the school commissioner the amount of said warrant out of the first specie funds which may be collected by him, and not otherwise appropriated by law, taking said commissioner's receipt therefor; and on settlement with the auditor, said collector shall be credited with the amount specified in said receipt, in the same manner as if it had been paid into the treasury. Dividends shall be made as aforesaid, according to the proportions ascertained to be due to each county annually thereafter, until another census shall have been taken, and then dividends shall be made and continued as aforesaid, according to the last census: *Provided,* that if any collector shall fail or refuse to pay, in gold or silver, the amount of the aforesaid warrant, or any part thereof, by the first day of March annually, or so soon thereafter as it may be presented, it shall be competent for the school commissioner to proceed against said collector and his securities, in an action of debt, in the county court; which court is hereby vested with full power and authority to hear and determine all such suits, render judgment and issue execution; or said suit may be brought in any court having jurisdiction; and the said collector shall pay twelve per centum, to be assessed as damages, upon the amount due, and which shall be included in the judgment obtained against him.

COMPENSATION OF OFFICERS.

§ 71. Collectors of the two mill tax, authorized under section sixty-eight of this act, shall only be entitled to two per cent. on the amount collected by them. School commissioners shall be allowed to retain out of the township funds of the township for which the services may be rendered, three per cent. upon the amount of sales of school lands, and upon the real estate taken for debt, for their services in making such sales, including such other services connected therewith, as are required by the provisions of this act, and two per cent. they may retain upon the amount of all sums distributed, paid or loaned out by them for the support of schools. And for their services in visiting schools, and the other duties required in the twentieth section of this act, school commissioners shall be allowed to retain two dollars per day for any number of days not exceeding one hundred in any one year, which account shall be certified and sworn to by the school commissioner. County courts and boards of supervisors are also hereby authorized to make appropriations out of the county treasury to school commissioners for visiting schools and other educational services, and also for the support of county teachers' institutes, whenever, in their judgment, the interests of the schools and the public good would thereby be promoted.

§ 72. Township treasurers shall be allowed to retain two per cent. upon all sums paid out or loaned by them; including moneys raised by virtue of any district tax; but they shall not retain the said two per cent. unless the money is actually paid in and reloaned to another person: *And, provided also,* that county treasurers shall not be entitled to any commissions upon school taxes collected and paid over to them by county or township collectors: *And it is provided further,* that the board of trustees may reduce said treasurer's compensation; and said boards shall, and it is hereby made their duty to make a reasonable allowance to said treasurers for their services performed as clerks of said boards, to be paid

out of the township funds. School commissioners, trustees of schools, school directors, and all other school officers, shall be exempted from working on the roads, serving on juries and military duty.

LIABILITIES OF OFFICERS.

§ 73. If any school commissioner, trustee of schools, township treasurer, director, or any other person entrusted with the care, control, management or disposition of any school, college, seminary, or township fund for the use of any county, township, district or school, shall convert any such funds, or any portion thereof, to his own use, he shall be liable to indictment, and upon conviction, shall be fined in not less than double the amount of money converted, and imprisoned in the county jail not less than one nor more than twelve months at the discretion of the court.

§ 74. Trustees of schools shall be liable, jointly and severally, for the sufficiency of securities taken from township treasurers; and in case of judgment against said treasurers and their securities, for or on account of any default of any such treasurer, on which the money shall not be made for want of sufficient property whereon to levy execution, actions on the case may be maintained against said trustees jointly or severally, and the amount not collected on said judgment shall be recovered with costs: *Provided,* that if said trustees can show, satisfactorily, that the security taken from the treasurer as aforesaid was, at the time of said taking, good and sufficient, they shall not be liable as aforesaid.

§ 75. The real estate of school commissioners, of township treasurers, and all other school officers, and of the securities of each of them, shall be bound for the satisfaction and payment of all claims and demands against said commissioners and treasurers, and other officers, as such, from the date of issuing process against them, in actions or suits brought to recover such claims or demands, until satisfaction thereof be obtained; and no sale or alienation of real estate by any commissioner, treasurer or other officer, or security aforesaid, shall defeat the lien created by this section, but all and singular such real estate held, owned or claimed as aforesaid, shall be liable to be sold in satisfaction of any judgment which may be obtained in such actions or suits.

§ 76. Trustees of schools, or either of them, failing or refusing to make returns of children in their township, according to the provisions of this act, or if either of them shall knowingly make a false return, the party so offending shall be liable to a penalty of not less than ten dollars nor more than one hundred dollars, to be recovered by an action of *assumpsit*, before any justice of the peace of the county; which penalty, when collected, shall be added to the township fund; and if any school commissioner, director, or trustee, or either of them, or other officer whose duty it is, shall negligently or wilfully fail or refuse to make, furnish or communicate the statistics and information, or shall fail to discharge the duties enjoined upon them, or either of them, at the time and in the manner required by the provisions of this act, such delinquent or party offending shall be liable to a fine of twenty-five dollars, to be recovered before any justice of the peace, on information, in the name of the people of the state of Illinois, and when collected shall be paid to the school commissioner of the proper county, for the use of schools.

§ 77. School commissioners, trustees of schools, directors and township treasurers, or either of them, and any other officer having charge of school funds or property, shall be responsible for all losses sustained by any county, township or school fund, by reason of any failure on his or their part to perform the duties required of him or them by this act, or by any rule or regulation authorized to be made by this act; and each and every of the officers aforesaid shall be liable for any such loss sustained as aforesaid, and the amount thereof may be recovered, in a civil action before any court having jurisdiction thereof, at the suit of the state of Illinois, for the use of the county, township or fund injured; and the amount, when collected, shall be paid to the proper officer, for the benefit of said county, township or fund injured.

COSTS, TENURE OF OFFICERS AND CONTRACTS UNDER FORMER LAWS.

§ 78. No justice of the peace, probate justice, constable, clerk of any court, or sheriff, shall charge any costs in any suit where any agent of any school fund, suing for the recovery of the same, or any interest due thereon, is plaintiff, and shall be, from any cause, unsuccessful in such suit. School commissioners appointed heretofore shall continue in office until superseded, according to the provisions of this act, and their duties, responsibilities and powers shall be governed by the provisions herein named. Trustees of school lands heretofore appointed, and trustees of schools heretofore elected, shall also continue to discharge the duties of their office until trustees of schools are elected under the provisions of this act. Townships heretofore incorporated shall, without any further action or proceeding, be considered as incorporated under the provisions of this act, and the trustees and other officers shall continue to discharge their duties till suspended by appointment or election under this law; and all school directors and officers heretofore appointed shall continue in office until superseded by the election, as provided in this act, and shall be governed by the provisions of the laws heretofore in force, unless otherwise directed by this act. Leases of school lands shall remain valid, and be executed according to the laws under which they were made. Common school lands, valued and offered for sale and remaining unsold, shall be sold upon terms prescribed by this act. All taxes levied and contracts made under the laws hereby repealed, shall remain valid, and all rights, remedies, defenses and causes of action existing, or which may hereafter exist or arise, under or by virtue of said repealed laws, shall continue and remain valid, and shall be enforced, notwithstanding the repeal of said laws, unless canceled according to the provisions of this act.

OF CITIES AND INCORPORATED TOWNS.

§ 79. This act shall not be so construed as to repeal or change, in any respect, any special acts in relation to schools in cities or incorporated towns, except that it shall be the duty of the several boards of education or other officers of any city or incorporated town, having in charge schools under the provisions of any of the said special acts, or of any ordinance of any city or incorporated town, on or before the second Monday of October preceding each regular session of the general assembly of this state, or annually, if required so to do by the state superintendent, to make out and render a statement of all such statistics and other information in regard to schools, and the enumeration of children or white persons, as required to be communicated by township boards of trustees or directors under the provisions of this act, or so much thereof as may be applicable to said city or incorporated town, to the school commissioner of the county where such city or incorporated town is situated, or of the county in which the larger part of said city or town is situated; nor shall it be lawful for the county school commissioner or any other officer or person to pay over any portion of the common school fund to any local treasurer, school agent, clerk, board of education or other officer or person of any township, city or incorporated town, unless a report of the number of children or white persons, and other statistics relative to schools, and a statement of such other information as are required of the boards of trustees or directors, as aforesaid, and of other school officers and teachers under the provisions of this act, shall have been filed at the time or times aforesaid, specified in this section, with the school commissioner of the proper county, as aforesaid.

§ 80. In townships in which there shall be persons of color, the board of trustees shall allow such persons a portion of the school fund equal to the amount of taxes collected for school purposes from such persons of color in their respective townships.

COMMON SCHOOL LANDS.

§ 81. Section number sixteen in every township granted to the state by the United States for the use of schools, and such sections and parts of sections as

have been or may be granted as aforesaid, in lieu of all or part of section number sixteen, and also the lands which have been or may be selected and granted as aforesaid, for the use of schools, to the inhabitants of fractional townships in which there is no section number sixteen, or which such section shall not contain the proper proportion for the use of schools in such fractional townships, shall be held as common school lands; and the provisions of this act referring to common school lands shall be deemed to apply to the lands aforesaid.

§ 82. All the business of such townships, so far as relates to common school lands, shall transacted in that county which contains all or a greater portion of said lands. If any person shall, without being duly authorized, cut, fell, box, bore, destroy or carry away any tree, sapling or log standing or being upon any school lands, such person shall forfeit and pay for every tree, sapling or log so felled, boxed, bored, destroyed or carried away, the sum of eight dollars; which penalty shall be recovered, with costs of suit, by an action of debt or assumpsit, before any justice of the peace having jurisdiction of the amount claimed, or in the county or circuit court, either in the corporate name of the board of trustees of the township to which the land belongs, or by action of *qui tam*, in the name of any person who will first sue for the same—one-half for the use of the person suing, the other half to the use of the township aforesaid. When two or more persons shall be concerned in the same trespass, they shall be jointly and severally liable for the penalty herein imposed. Every trespasser upon common school lands shall be liable to indictment, and, upon conviction, fined in three times the amount of the injury occasioned by said trespass, and shall stand committed as in other cases of misdemeanor. All penalties and fines collected under the provisions of this section shall be paid to the township treasurer, and be added to the principal of the township fund; and all other fines, penalties and forfeitures imposed or incurred in any of the circuit courts of this state, or collected by justices of the peace or other county officers, except fines collected in incorporated towns or cities for the violation of the by-laws or ordinances of said towns or cities, shall be paid to the school commissioner of the county where such fines, penalties and forfeitures have been collected, and the same shall be distributed by said commissioner in the same manner as the common school funds of the state are distributed; and if any county officer or justice of the peace aforesaid shall fail or refuse to pay as aforesaid, after collection, such officer or justice of the peace, so failing or refusing to pay as aforesaid, shall forfeit and pay double the amount of such fine, penalty or forfeiture as aforesaid, collected by him, to be recovered before any court having jurisdiction, in a civil action, at the suit of the school commissioner.

SALE OF COMMON SCHOOL LANDS.

§ 83. When the inhabitants of any township or fractional township shall desire the sale of the common school land of the township or fractional township, they shall present a petition to the school commissioner of the county in which the school lands of the township, or the greater part thereof, lie, for the sale thereof; which petition shall be signed by at least two-thirds of the white male inhabitants of the township or fractional township, of and over twenty-one years of age. The signing of the petition must be in the presence of two citizens of the township, after the true meaning thereof shall have been explained; and when signed, an affidavit shall be affixed thereto by the two citizens, proving the signing in the manner aforesaid, and stating the number of white male inhabitants in the township or fractional township, of and over twenty-one years of age; and said petition, so proved, shall be delivered to the school commissioner for his action thereon: *Provided*, that no whole section shall be sold in any township containing less than two hundred inhabitants; and common school lands in fractional townships may be sold when the number of inhabitants and number of acres are in the ratio of two hundred to six hundred and forty, but not before.

§ 84. When the petition and affidavits are delivered to the school commissioner as aforesaid, he shall notify the trustees of said township thereof, and said trustees shall immediately proceed to divide the land into tracts or lots of such form and quantity as will produce the largest amount of money; and after making such division, a correct plat of the same shall be made, representing all divisions, with each lot numbered and defined, so that its boundaries may be forever ascertained. Said trustees shall then fix a value on each lot, having regard to the terms of sale, certify to the correctness of the plat, stating the value of each lot per acre, or per lot if less than one acre, and referring to and describing the lot in the certificate, so as fully and clearly to distinguish and identify each lot; which plats and certificate shall be delivered to the school commissioner, and shall govern him in advertising and selling said lands.

§ 85. In subdividing common school lands for sale, no lot shall contain more than eighty acres, and the division may be made into town or village lots, with roads, streets or alleys between them and through the same; and all such divisions, with all similar divisions hereafter made, are hereby declared legal, and all such roads, streets and alleys, public highways.

§ 86. The terms of selling common school lands shall be to the highest bidder, for cash, with the privilege to each purchaser of borrowing from the school commissioner the amount of his bid for any period not less than one or more than five years, upon his paying interest and giving security, as in case of money loaned by township treasurer, as provided in this act.

§ 87. The place of selling common school lands shall be at the court house of the county in which the lands are situated; or the trustees of schools may direct the sale to be made on the premises; and upon the reception by the school commissioner of the plat and certificate of valuation from the trustees, he shall proceed to advertise the said land for sale, in lots, as divided and laid off by said trustees, by posting notices thereof in at least six public places in the county forty days next anterior to the day of sale, describing the land, and stating the time, terms and place of sale; and if any newspaper is published in said county, said advertisement shall be printed therein for four weeks before the day of sale—if none, then it shall be sold under the notice aforesaid.

§ 88. Upon the day appointed, the school commissioner shall proceed to make sales as follows, viz.: He shall begin at the lowest number of lots and proceed regularly to the highest, till all are sold or offered. No lot shall be sold for less than its valuation by the trustees. Sales shall be made between the hours of ten o'clock, A. M., and six o'clock, P. M., and may continue from day to day. The lots shall be cried separately, and each lot cried long enough to enable any one present to bid who desires it.

§ 89. Upon closing the sales each day, the purchasers shall each pay or secure the payment of the purchase money, according to the terms of sale; or in case of his failure to do so by ten o'clock the succeeding day, the lot purchased shall be again offered at public sale, on the same terms as before, and if the valuation or more shall be bid, shall be stricken off; but if the valuation be not bid, the lot shall be set down as not sold. If the sale is or is not made, the former purchaser shall be required to pay the difference between his bid and the valuation of the lot; and in case of his failing to make such payment, the school commissioner may forthwith institute an action of debt or assumpsit, in his name, as commissioner, for the use of the inhabitants of the township where the land lies, for the required sum; and upon making proof, shall be entitled to judgment, with costs of suit; which, when collected, shall be added to the principal of the township fund. And if the amount claimed does not exceed one hundred dollars, the suit may be instituted before a justice of the peace; but if more than that sum, then in the circuit court of any county wherein the party may be found.

§ 90. All lands not sold at public sale, as herein provided for, shall be subject to sale at any time thereafter, at the valuation; and school commissioners are authorized and required, when in their power, to sell all such lands at private sale, upon the terms at which they are offered at public sale.

§ 91. In all cases where common school lands have been heretofore valued, and have remained unsold for two years, after having been offered for sale, or shall hereafter remain unsold for that length of time, after being valued and offered for sale in conformity to this act, the trustees of schools where such lands are situated may vacate the valuation thereof, by an order to be entered in book A of the school commissioner, and cause a new valuation to be made, if in their opinion the interests of the town will be promoted thereby. They shall make said second valuation in the same manner as the first was made, and shall deliver to the school commissioner a plat of such second valuation, with the order of vacation, to be entered as aforesaid; whereupon said school commissioner shall proceed in selling said lands in all respects as if no former valuation had been made: *Provided*, that the second valuation may be made by the trustees of schools, without petition as provided in this act.

§ 92. Upon the completion of every sale by the purchaser, the school commissioner shall enter the same on book B, and shall deliver to the purchaser a certificate of purchase, stating therein the name and residence of the purchaser, describing the land and the price paid therefor; which certificate shall be evidence of the facts therein stated.

§ 93. At the first regular term of the county court in each year, the school commissioner shall present to the court of his county—first, a statement showing the sales of school lands made subsequent to the first regular term of the previous year, which shall be a true copy of the sale book (book B); second, statements of the amount of money received, paid, loaned out and on hand, belonging to each township or fund under his control—the statement of each fund to be separate; third, statements copied from his loan book (book C), showing all the facts in regard to loans which are required to be stated upon the loan book; all of which the county court shall thereupon examine and compare with the vouchers, and the said county court, or so many of them as may be present at the term of the court, shall be liable individually to the fund injured, and to the securities of said school commissioners, in case judgment be recovered of said securities, for all damages occasioned by a neglect of the duties, or any of them, required of them by this section: *Provided*, nothing herein contained shall be construed to exempt the securities of said school commissioner from any liability as such securities, but they shall still be liable to the fund injured the same as if the county commissioners were not liable.

§ 94. The school commissioner shall also, at the time aforesaid, transmit to the auditor of public accounts a full and exact transcript from book B of all the sales made subsequent to each report. The statement required to be presented to the county court shall be preserved and copied by the clerk of said court into a well bound book, kept for that purpose; and the list transmitted to the auditor shall be filed, copied and preserved in like manner.

§ 95. Every purchaser of common school land shall be entitled to a patent from the state, conveying and assuring the title. Patents shall be made out by the auditor from returns made to him by the school commissioner. They shall contain a description of the land granted; and shall be in the name of and signed by the governor, countersigned by the auditor, with the great seal of the state affixed thereto by the secretary of state, and shall operate to vest in the purchaser a perfect title in fee simple. When patents are executed as herein required, the auditor shall note on the list of sales the date of each patent, in such manner as to perpetuate the evidence of its date and delivery, and thereupon transmit the same to the school commissioner of the proper county, to be by him delivered to the patentee, his heirs or assigns, upon the return of the original certificate of purchase; which certificate, when returned, shall be filed and preserved by the school commissioner.

§ 96. Purchasers of common school lands, and their heirs and assigns, may obtain duplicate copies of their certificates of purchase and of patents, upon filing affidavit with the school commissioner in respect to certificates, and with the auditor in respect to patents, proving the loss or destruction of the originals, and such copies shall have all the force and effect of the originals.

ACTS REPEALED—PUBLICATION AND DISTRIBUTION OF THE ACT.

§ 97. An act entitled "An act to establish and maintain common schools," approved February 12th, 1849, and an act to amend said act, approved February 12th, 1851, and an act entitled "An act to increase the school fund," approved February 10th, 1853, and all other acts and parts of acts coming in conflict with the provisions of this act, are hereby repealed. This act to be in force from and after its passage.

§ 98. The public printer is hereby required to print fifty thousand copies of the whole act, as amended, under the direction of the superintendent of public instruction, and to be distributed by him to the several counties of the state, according to population.

APPROVED February 22, 1861.

AN ACT for the establishment and maintenance of a Normal University.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That C. B. Denio, of Jo Daviess county, Simeon Wright, of Lee county, Daniel Wilkins, of McLean county, C. E. Hovey, of Peoria county, George B. Rex, of Pike county, Samuel W. Moulton, of Shelby county, John Gillespie, of Jasper county, George Bunsen, of St. Clair county, Wesley Sloan, of Pope county, Ninian W. Edwards, of Sangamon county, John Eden, of Moultrie county, Flavel Mosely, of Cook county, William H. Wells, of Cook county, Albert R. Shannon, of White county, and the superintendent of public instruction, *ex officio*, with their associates, who shall be elected as herein provided, and their successors, are hereby created a body corporate and politic, to be styled "The Board of Education of the State of Illinois," and by that name and style shall have perpetual succession, and have power to contract and be contracted with; to sue and be sued, to plead and be impleaded, to acquire, hold and convey real and personal property, to have and use a common seal, and to alter the same at pleasure; to make and establish by-laws and alter or repeal the same as they shall deem necessary for the government of the Normal University hereby authorized to be established, or any of its departments, officers, students or employees, not in conflict with the constitution and laws of this state, or of the United States; and to have and exercise all powers, and be subject to all duties usual and incident to trustees of corporations.

§ 2. The superintendent of public instruction, by virtue of his office, shall be a member and secretary of said board, and shall report to the legislature at its regular sessions the condition and expenditures of said Normal University, and communicate such further information as the said board of education or the legislature may direct.

§ 3. No member of the board of education shall receive any compensation for attendance on the meetings of the board, except his necessary traveling expenses; which shall be paid in the same manner as the instructors employed in the said Normal University shall be paid. At all the stated and other meetings of the board, called by the president or secretary, or any five members of the board, five members shall constitute a quorum, provided all shall have been duly notified.

§ 4. The objects of the said Normal University shall be to qualify teachers for the common schools of this State, by imparting instruction in the art of teaching, in all branches of study which pertain to a common school education, in the elements of the natural sciences, including agricultural chemistry, animal and vegetable physiology, in the fundamental laws of the United States and of the

State of Illinois in regard to the rights and duties of citizens, and such other studies as the board of education may from time to time prescribe.

§ 5. The board of education shall hold its first meeting at the office of the superintendent of public instruction, on the first Tuesday in May next, at which meeting they shall appoint an agent, fixing his compensation, who shall visit the cities, villages and other places in the State, which may be deemed eligible for the purpose, to receive donations and proposals for the establishment and maintenance of the Normal University. The board shall have power, and it shall be their duty, to fix the permanent location of said Normal University at the place where the most favorable inducements are offered for that purpose: *Provided,* that such location shall not be difficult of access, or detrimental to the welfare and prosperity of said Normal University.

§ 6. The board of education shall appoint a principal, lecturer on scientific subjects, instructors and instructresses, together with such officers as shall be required in the said Normal University, fix their respective salaries and prescribe their several duties. They shall also have power to remove any of them for proper cause, after having given ten days' notice of any charge which may be duly presented and reasonable opportunity of defense. They shall also prescribe the text books, apparatus and furniture to be used in the University, and provide the same; and shall make all regulations necessary for its management. And the board shall have power to recognize auxiliary institutions, when deemed practicable: *Provided,* that such auxiliary institutions shall not receive any appropriation from the treasury, or the seminary or university fund.

§ 7. Each county within the State shall be entitled to gratuitous instruction for one pupil in said Normal University; and each representative district shall be entitled to gratuitous instruction for a number of pupils equal to the number of representatives in said district, to be chosen in the following manner: The school commissioner in each county shall receive and register the names of all applicants for admission in said Normal University, and shall present the same to the county court, or, in counties acting under township organization, to the board of supervisors, as the case may be; shall, together with the school commissioner, examine all applicants so presented in such manner as the board of education may direct, and from the number of such as shall be found to possess the requisite qualifications, such pupils shall be selected by lot; and in representative districts composed of more than one county, the school commissioner and county judge, or the school commissioner and chairman of the board of supervisors, in counties acting under township organization, as the case may be, of the several counties composing such representative district, shall meet at the clerk's office of the county court of the oldest county, and from the applicants so presented to the county court, or board of supervisors, of the several counties represented and found to possess the requisite qualifications, shall select by lot the number of pupils to which said district is entitled. The board of education shall have discretionary power, if any candidate does not sign and file with the secretary of the board a declaration that he or she will teach in the public schools within the State, in case that engagements can be secured by reasonable efforts, to require such candidate to provide for the payment of such fees for tuition as the board may prescribe.

§ 8. The interest of the university and seminary fund, or such part thereof as may be found necessary, shall be and is hereby appropriated for the maintenance of said Normal University, and shall be paid on the order of the board of education from the treasury of the state; but in no case shall any part of the interest of said fund be applied to the purchase of sites, or for buildings for said University.

§ 9. The board shall have power to appropriate the one thousand dollars received from the Messrs. Merriams, of Springfield, Massachusetts, by the late superintendent, to the purchase of apparatus for the use of the Normal University, when established; and hereafter, all gifts, grants and demises which may be made to the said Normal University shall be applied in accordance with the wishes of the donors of the same.

§ 10. The board of corporators herein named and their successors shall each of them hold their office for the term of six years: *Provided,* that at the first meeting of said board, the said corporators shall determine, by lot, so that one-third shall hold their office for two years, one-third for four years and one-third for six years. The governor, by and with the advice and consent of the senate, shall fill all vacancies which shall at any time occur in said board, by appointment of suitable persons to fill the same.

§ 11. At the first meeting of the board, and at each biennial meeting thereafter, it shall be the duty of said board to elect one of their number president, who shall serve until the next biennial meeting of the board and until his successor is elected.

§ 12. At each biennial meeting it shall be the duty of the board to appoint a treasurer, who shall not be a member of the board, and who shall give bond, with such security as the board may direct, conditioned for the faithful discharge of the duties of his office.

§ 13. This act shall take effect on and after its passage, and be published and distributed as an appendix to the school law.

Approved February 18, 1857.

MANUAL OF INSTRUCTION.

STATE DEPARTMENT OF PUBLIC SCHOOLS.

MANUAL OF INSTRUCTION.

Part I.—Election, Duties and Powers of Officers, and Rights and Duties of Teachers.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

ELECTION.

The Superintendent of Public Instruction is elected biennially, and is entitled to hold his office for two years, and until his successor is duly elected and qualified. The first election for Superintendent of Public Instruction was held on Tuesday, November 4th, 1856. The office was created by an Act of the Legislature, approved February 18th, 1854, which provided in Section 2, that "immediately after the passage of this Act, and its approval by the Governor, it shall be the duty of the Governor to appoint some suitable and competent person, who at the time of his appointment shall be a citizen of this State, to act as Superintendent of Public Instruction, who shall hold his office until the election of Superintendent, as provided for by the first section of this Act." The first section of the Act provided as follows: "That at the general election, to be held on the Tuesday after the first Monday of November, A.D. 1855, and biennially thereafter, there shall be elected a Superintendent of Public Instruction, who shall hold the office for two years, and until his successor is duly elected and qualified." In pursuance of the provisions of Section 2 of the Act quoted from, Ninian W. Edwards was appointed State Superintendent on the 24th day of March, 1854, and continued in

office until relieved by his successor, who was elected in November, 1856, the Legislature of 1855 having extended the term of Mr. Edwards' incumbency, by providing that the first election for State Superintendent should be held in November, 1856, instead of November, 1855, as was first ordered, by the Act of 1854. Since the fall of 1856, elections have been regularly held, at the time and in the manner provided for by the law creating the Office, passed February 18th, 1854.

It seems to have been the original intention of the Legislature, as appears from the Act of 1854, to provide for the holding of the election for Superintendent of Public Instruction at the same time that elections are held for School Commissioners. In that case, the election for State Superintendent would have occurred during the interval between the regular State elections, and the Office would thus have been removed from the political excitements and strifes which are attendant upon general elections. There are many reasons for preferring the policy first contemplated by the Legislature, and had it been perpetuated, our educational interests would have been less liable to suffer by contact with political influences than at present. It is to be regretted that the Legislative action of 1854 upon the subject referred to was re-considered and changed, and that the Office of Public Instruction was so unnecessarily subjected, by the new law of 1855, to those disturbing and warping influences which accompany high political excitements. It may be true, indeed, that so long as the Office remains elective, it will be impossible to separate it entirely from partisan influences, yet it is true, also, that those influences, if not removed, may be controlled, and held in check. The law of 1854 erected a barrier around the Office which, if it did not turn back the waves of political excitement and passion, at least checked their violence. The law of 1855 removed that barrier, and left the office at the mercy of the sweeping torrent. An enactment which would separate the educational elections of the State from the unfriendly excitements which attend our presidential and gubernatorial canvasses, would be hailed with pleasure by every true friend of Common Schools.

Before entering upon the duties of his office, the State Superintendent is required [*Sec.* 2] "to take and subscribe the usual oath of office, and to execute a bond in the penalty of $25,000, payable to the State of Illinois, with sureties to be approved by the Gov-

ernor, conditioned for the prompt discharge of his duties, and for the faithful application and disposition, according to law, of all school moneys that may come into his hands by virtue of his office." Under our present School Law, it is impossible that any school moneys *can* come into the hands of the State Superintendent, and so the State becomes surety for the sureties, that *they* shall not suffer loss by the misapplication of school moneys by the State Superintendent, just as the sureties become surety for the State, that *it* shall not suffer loss on the same account. A very mutual precaution!

DUTIES AND POWERS.

The Duties and powers of the State Superintendent are implied in the official title by which he is designated. He is placed over the Common Schools as General Superintendent, to represent in his own person, the jealous care and guardianship of the State over this most vital of our public interests. He is required to supervise, direct, and encourage the labors of all subordinate and local officers by whom the Common School system is administered —to arrange and prepare suitable forms of procedure for the correct and expeditious transaction of all school business—to seek after full and detailed information upon all subjects affecting the wants, condition, or prospects of the public schools—to arrange and systematize the general facts collected by him, and to submit them in the embodied form of an official Report to the Legislature and the people—to study carefully and acquaint himself thoroughly with the School system, observing closely its practical workings, noting its defects, and devising and suggesting plans for improvement—to explain and interpret the meaning of the School Law—to examine and adjudge differences and disputes, as they may arise between parties whose interests become involved by the operation of the Law, and whose cases are *appealed* to him for final decision—to travel throughout the State, awakening public attention to the importance of education, and especially to the importance of *free school* education, impressing upon our communities the necessity of united and earnest action for the encouragement and support of Common Schools, by public lectures and personal visitations in the various districts and counties of the State, disseminating information among the people, and quickening the zeal of those who are responsibly or officially iden-

tified with the interests of education—and to use the wide-spread influence which the advantage of his position gives him to secure a real and healthy progress in all that relates to the educational and moral improvement of the people.

The State Superintendent is invested with power and authority [*Sec.* 8] to "make such rules and regulations as he may think necessary and expedient to carry into full effect the provisions of this [the Free School] Act." Under this authority, the Superintendent may devise any measures, not inconsistent with the School Law, for the improvement and perfecting of the system which he is administering, whether such measures relate to School officers, teachers, or pupils. Such measures, when proposed by the Superintendent, have all the force of law, and cannot be resisted, without involving penalties.

The State Superintendent is also specially invested with the authority and power [*Sec.* 9] to direct and cause the School Commissioner of any county, Directors or Board of Trustees or township Treasurer of any township, or other school officer, to withhold from any officer, or township, or teacher, any part of the common school, or township, or other school fund, until such officer, township, or teacher, shall have complied with all the provisions of this Act relating to his, her or their duties, and such rules and regulations as the State Superintendent may prescribe, not consistent with this Act; and the State Superintendent may forbid the payment of any part of the common school, township, county, or other school fund, to any district in which the school or schools have not been kept according to law, or in which no school has been kept for six months during the year next preceding the demand for payment."

It is held that under the last clause of this Section, the Superintendent may exercise the authority to *order* the payment of such part of the public fund as may be just, in cases where the non-compliance with law was rendered impossible by uncontrollable circumstances. The power here conferred is discretionary. A sound discretion may require in some cases official interposition for the relief of a district, when such district has literally failed to comply with the six months' condition, as, for example, when a school house is burned down before the school term is completed, or when a school is broken up for weeks together by high waters, as is sometimes the case in districts situated in the low river bot-

toms. In such and kindred cases, the Department has interposed for the relief of the suffering district, and has ordered the payment of the distributive fund to such district, in just proportion, although the six months' rule had not been literally complied with.

It is made the duty of the State Superintendent [*Sec.* 8] "to explain and interpret and determine to all School Commissioners, Directors, township and other School officers, the true intent and meaning of this Act," &c. Opinions and answers given by the State Superintendent under this *Section* are based on the statement of facts made by the party applying for such opinion or decision, presuming that the statement is made true and full. If found to be otherwise, the right is always reserved to modify the opinion to suit the real facts. In such cases, it is always inconvenient, and often quite impracticable, for want of time, to institute a tedious investigation of the facts, and the statement submitted will therefore be taken as true, until shown to be otherwise.

Section 10 relates exclusively to the compensation of the Superintendent, and to the contingent expenses of the State Department.

The State Superintendent is authorized to issue State Diplomas to Teachers [*Sec.* 50] who shall be found worthy, in point of good character and scholarship. This honor is only conferred upon the eminently qualified, and after careful and thorough examination. The State Diploma is of perpetual validity, and entitles the holder to teach in any county in the State without obtaining a local license from the County Commissioner. Application for the Diploma may be made at any time to the State Department at Springfield. The Law provides further, that "a State certificate may be cancelled by the State Superintendent, upon proof of immoral or unprofessional conduct."

Such are, in brief, the duties and powers of the Superintendent of Public Instruction.

SCHOOL COMMISSIONERS.

ELECTION.

School Commissioners are elected biennially, the election occurring every two years, on the Tuesday after the first Monday in November. The elections for School Commissioners and State Superintendent are separated, and occur in alternate years. In case the office of School Commissioner is vacated by death, resignation, or otherwise, the vacancy so occurring is to be filled by the appointment of a successor, said appointment being made [*Sec.* 13] by the County Court or Board of Supervisors. The School Commissioner may be removed for cause, [*Sec.* 13] in which case the vacancy is to be filled by appointment.

DUTIES AND POWERS.

School Commissioners are required, [*Sec.* 11] before entering upon their official duties, to take the usual oath of office, and to execute a bond for the faithful performance of their duties, for $12,000, subscribed by two or more responsible freeholders as security, to be approved by the County Court or Board of Supervisors, and filed in the office of the County Clerk. The sum specified in the bond may be increased at the option of the Court or Board. The form of the bond is given in *Section* 12.

In treating of the duties and powers of School Commissioners, I shall consider those officers in their relations to *The State—The County—The Schools.* By this classification of subjects, the duties and powers of Commissioners can be wholly reviewed and explained. Of the relations of these officers, I will first consider those which pertain to

The State.—1. *Annual Reports.*—It is made the duty of the School Commissioner [*Sec.* 17] to forward to the Department of Public Instruction a Report of all such information and statistics concerning Schools in his county as the State Superintendent is required to embody in his Biennial Report to the Governor and

Legislature. This Report of the Commissioner is required, by order of the Department, to be made annually, and is due at the Office of Public Instruction on the 15th of November of each year. Much care is necessary in the preparation of the Report of the Commissioner, and promptness should be observed in forwarding the Report to the State Office. Tardiness or neglect of duty in this respect will seriously perplex and hinder the State Superintendent in the compilation of his own Report. No Commissioner should withhold his Report from the Department after the 10th of November. If the Commissioner is delayed, or likely to be delayed, in the preparation of his Report, by the unfaithfulness of one or more of the township Treasurers, he should immediately employ a competent person in each township [*Sec.* 21] "to take the enumeration, and furnish said statistical statement, as far as practicable." The person or persons so employed shall have free access to the books, papers, and memoranda of the township Treasurer, and that officer is instructed, in the *Section* referred to, to permit the use and examination of such books and papers by the person so employed by the Commissioner. Compensation may be allowed to the person performing the service by appointment of the Commissioner, and the amount so allowed may be paid by the Commissioner out of any school funds which are or may come into his hands, "apportioned as the share of or belonging to the said [delinquent] township."

Commissioners should be careful to return, in their annual Reports, intelligent and precise answers to all the questions proposed by the Department. The information sought for in these questions must be communicated mainly in a statistical form, and statistics are only valuable when they are reliable. Figures are the most valuable and most emphatic exponents of facts, when *right figures* are used in the *right places*, but if otherwise, they but express *a lie*, and deceive. A little careful thought bestowed upon the subjects to be reported upon will make them clear to the comprehension of the Commissioner; but, if not, let *more* thought be devoted to the work, and if still unable to understand the object sought by the questions proposed, let him seek instruction of some one qualified to explain the meaning of whatever is dark and uncomprehended. Application may be made to the Department (if time will suffice) and information will be cheerfully given.

In addition to the statistical Report of the state of schools in the county, it is expected of each Commissioner that he will forward at the same time a *written* Report, communicating a brief historical summary of his official policy as embodied in actions and plans for the improvement of schools in his county—an account of the condition of schools and school houses—a statement of the result of his experience and observations with reference to the workings of the school system, with suggestions for the amendment of the system—a report of the manner in which subordinate officers in the townships and districts have attended to their duties, and of the deportment and professional efficiency of the Teachers in the county. There are many facts relating to the subjects indicated which is it not in the power of figures to express, and which need to be written out, in order to be understood and appreciated. Such facts, when communicated and enforced by fit and seasonable words, are always valuable, and sometimes influential in shaping the policy of the Department and giving success to its administration.

2. *Apportionment of State and County Funds.*—The School Commissioner is required by the State to receive and apportion to the several townships in his jurisdiction the State and County Fund for the support of Common Schools in the County. The conditions upon which this apportionment is to be made by the School Commissioner [*Sec.* 16] are as follows: "One-third of said amount [to be divided, shall be apportioned] to the several townships and parts of townships in his county, in proportion to the number of acres in said townships and parts of townships, and the remaining two-thirds to the several townships and fractional townships in his county, according to the number of white children, under twenty-one years of age, returned to him, in which townships or parts of townships schools have been kept in accordance with the provisions of this act, and with the instructions of the State and County Superintendents, and shall pay over the distributive share belonging to each township and fractional township, as aforesaid, to the respective township Treasurers, or other authorized persons, annually." The Commissioner, under this Law, is authorized to apportion the State and County Funds to such townships and fractional townships as have kept a school or schools in operation for a term of six months during the school year next preceding such apportionment, and to such townships *only*.

Townships in which *no school* has been kept according to the provisions of the School Law, are not entitled to share *in any wise* in the apportionment.

If a township lies in two counties, there being one or more school districts in the township in which schools have been kept according to law, which districts are situated on each side of the dividing [county] line, the township is entitled to share in the apportionments made by Commissioners of both counties. If there has been no school in that part of the township lying in *one* county, and in that part of the township lying in the *other* county there *have* been schools kept according to law, then the Treasurer of the township is entitled to funds from the Commissioner of the *latter* county, but he is *not* entitled to any funds from the Commissioner of the *former* county.

In cases of townships entitled to share in the apportionment, where no enumeration of white children under twenty-one years of age has been made for the previous year, the Commissioner should take, as the basis for distribution, the *latest* official enumeration of children under twenty-one, on file in his office.

It sometimes occurs that township Treasurers fail to execute the bond required by the School Law, and on account of such failures, very considerable amounts of school money have been irrecoverably lost by being passed into the hands of irresponsible and unqualified men. Township Trustees should see to it that Treasurers whom they appoint promptly comply with the Law, in this respect. The School Commissioner should firmly and peremptorily withhold the State and County Fund from a Treasurer who has not executed and filed his bond, as required by the School Law [*Sec.* 55, 15.] Immediately after the election of Trustees, it is the first duty of the Board to organize [*Sec.* 32] by appointing one of their number President, and a competent person (not a member of the Board) Treasurer. This duty of appointing a Treasurer is necessary, whether new men are elected Trustees, or the former Trustees are re-elected. This is obvious from the fact that a Treasurer holds his office by appointment of the Trustees, and the tenure of his office cannot, of course, extend beyond the time for which the trustees were elected. Hence the duty of the Trustees (whether elected for the first time, or re-elected,) to appoint (or re-appoint) a Treasurer, at their first meeting after the election. The Treasurer so appointed will be required to execute

a new bond, and for the performance of this duty that officer should be held to a strict accountability by the School Commissioner.

3. *Sale of State School Lands.*—By an Act of Congress, approved April 18th, 1818, the sixteenth section of every township in this State (or if such section had been sold or otherwise disposed of, "other land equivalent thereto, and as contiguous as may be,") was granted to the State, "for the use of the inhabitants of such townships, for the use of schools." The grants of land so made by Congress to the townships were to be made available for school purposes by the sale of the lands at such times and in such quantities as might be deemed expedient by the inhabitants of the townships respectively [*Sec.* 83,] the *conditions* of the sale being specified in the School Law [*Sec.* 84—96.] In the *first sale* of these granted lands, the School Commissioner acts as the agent of the State, in which the title is vested *prior* to such first sale, and from which the title is first conveyed to the purchase or purchasers, *through the School Commissioner* [*Sec.* 92, 95.] After such *first sale* has been effected, according to law, and the title of the State has been alienated and vested in other parties, the agency of the Commissioner ceases, the State needing such agency no longer.

Upon receiving a petition, praying for the sale of Common School lands, signed by two-thirds of the white adult male inhabitants of any township in the county, said petition being accompanied with the affidavit of two citizens of said township, it is the duty of the School Commissioner to notify the Trustees of the township aforesaid that such petition has been received and filed. When the necessary arrangements for selling the lands have been perfected by the Trustees [*Sec.* 84–85,] and the plats and certificates of valuation have been delivered to the Commissioner, he will proceed to advertise the said lands for sale in lots [*Sec.* 87,] "as divided and laid off by said Trustees, by posting notices thereof in at least six public places in the county, forty days next anterior to the day of sale, describing the land, and stating the time, terms and place of sale; and if any newspaper is published in said county, said advertisement shall be printed therein for four weeks before the day of sale—if none, then it shall be sold under the notice aforesaid." On the day appointed the Commissioner shall proceed to sell the lands advertised, to

the highest bidder, the law providing [*Sec.* 88] that no lot or tract of land shall be sold for less than its valuation as appraised by the Trustees. The place of selling shall be [*Sec.* 87] at the court house of the county, or on the premises. The proceeds of the sales of the sixteenth section shall constitute the permanent school fund of the township for whose benefit the sales are made. If the purchaser avails himself of the privilege of borrowing "the amount of his bid" [*Sec.* 86,] the Commissioner will secure the payment of the amount by requiring the borrower to execute notes and mortgage. In cases where the lands (or any part of them) offered are not sold at public sale, the School Commissioner is authorized [*Sec.* 90] to sell them at private sale. As compensation for selling State School lands, the Commissioner is entitled [*Sec.* 71] to three per cent. of the amount realized from sales made by him. The expenses of advertising are to be paid by the Commissioner out of the three per cent. commission just mentioned.

I will next consider the relations of the School Commissioner to

The County.—1. *Official Records.*—The School Commissioner is required by the Law [*Sec.* 14,] to "provide three well bound books, to be known and designated by the letters A, B, C, for the following purposes: In book A. he shall record at length all petitions presented to him for the sale of Common School lands, and the plats and certificates of valuation made by or under the direction of the Trustees of schools, and the affidavits in relation to the same. In book B. he shall keep an account of all sales of Common School lands; which account shall contain the date of sale, name of purchaser, description of lands sold, and the sum sold for. In book C. he shall keep a regular account of all moneys received for lands sold, or otherwise, and loaned or paid out; the person of whom received, and on what account, and showing whether it is principal or interest; the person to whom loaned, the time for which the loan was made, the rate of interest, the names of the securities when personal security is taken, or if real estate is taken as security, a description of said real estate, and if paid out, to whom, when, and on what account, and the amount paid out; the list of sales, and the accounts of each township fund to be kept separate. Said books shall be paid for out of the county treasury of the counties in which they are used." It is of the utmost importance that

the duties required of the Commissioner in the law quoted, be strictly and faithfully attended to. There is reason to believe that the duties prescribed in this *Section* are in some cases grossly neglected. I have recently been informed by a newly-elected Commissioner, that on entering upon the duties of his office, he was unable to find anything in the shape of a Record, from the time of the organization of the County until the present. The ex-officer had removed into another State, and unless he had taken all the Records from the beginning with him, the presumption is, that the affairs of the County, as far as school business is concerned, have been handed down by tradition from one official generation to another. Another Commissioner (now out of office) kept his records in a private memorandum book, carried in the pocket. It is of the first importance that our official County School Records should be kept in a neat, careful and legal manner. Negligence here will have a sad effect upon the interests of education, and will sooner or later involve the affairs of the Commissioner's office in inextricable confusion and difficulty. A retiring Commissioner should deliver over to his successor [*Sec.* 18] the Records of the office, together with all moneys and property belonging thereto.

2. *County Reports.*—It is made the duty of the Commissioner [*Sec.* 93] to present to the County Court or Board of Supervisors, at the first regular term of that body in each year, a Report of his official acts relating to the *business* of his office. He is also required [*Sec.* 94] to transmit to the Auditor of Public Accounts each year, "an exact transcript from book B. of all the sales made subsequent to each report." The annual Report made by the Commissioner to the County Court or Board, should also contain a general account of his doings as Superintendent of schools in the county—a report of the number, condition and prospects of the schools—a statement of the number, kind and condition of school-houses—with all other facts relating to the state and progress of Common School interests in the county. The presentation of the Report should be accompanied with a request to the Court or Board to authorize its publication in pamphlet form, and to make an appropriation of money for that purpose. The inauguration of a system of county Reports, issued annually from the office of the School Commissioner, filled with interesting facts and useful information relating to public

schools, and circulated gratuitously among the people, would have a happy tendency to awaken public interest on behalf of schools and to rally public sentiment to their support. If a County Court should refuse the pittance of an appropriation for the purpose stated, the Commissioner should turn to the newspapers of his county, and seek publicity for his Report through that medium. It is confidently believed, however, that if the request to publish in pamphlet form the Reports of Commissioners be made and respectfully urged upon the County Courts or Boards of Supervisors throughout the State, an appropriation will be allowed for that purpose. If a Court or Board can be induced to authorize such a publication, as requested by the Commissioner, *for one year*, there is little doubt that they will be willing ever after to continue the appropriation, on account of the positive benefits resulting. Mr. EBERHART, the assiduous and faithful Commissioner of Cook county, succeeded in obtaining an appropriation from the Board of Supervisors of his county for the purpose here stated, and the results of the publication of the very able and useful Report of that officer were so gratifying to the Board, that the annual appropriation of means for the purpose of publishing and circulating the School Commissioner's Report has become the fixed policy of the county. It is sincerely hoped that the laudable example of Mr. EBERHART will be followed by all the Commissioners of the State, and that the example of the Board of Supervisors of Cook County will also be followed by the Boards of Supervisors and County Courts generally. The introduction and establishment of such a policy in all the counties of the State will conduce greatly to the awakening of public interest upon the subject of popular education, and to the prosperity of the schools.

These hints are suggestive and outside the Law, but it is hoped they will be favorably considered, and acted upon by our Commissioners.

3. *Decisions of Questions and Controversies.*—By the Law [*Sec.* 20], it is the duty of the Commissioner to decide "all questions and controversies arising under the School Law." It is clearly the intention of the Law, that the Commissioner shall have primary jurisdiction in deciding all questions of law and all cases of local disputes and differences which may arise between parties in his county. No words can be more explicit than those in the

Law: "*All questions and controversies* arising under the School Law, in the several counties, shall *first* be submitted to the School Commissioner, for his opinion and advice." It is not contemplated in the Law, that *any* such questions and controversies shall be submitted to the State Office only on appeal from the opinion or decision of the School Commissioner, this Department being of the nature of an appellate tribunal. To qualify himself to pronounce an intelligent and correct decision in every case of disagreement and dispute which may arise in his jurisdiction, the Commissioner must thoroughly acquaint himself with the School Law, and divest himself of every prepossession that may unjustly influence his opinion. Then, upon a fair and full statement of the points or facts submitted, he will be able in most cases to decide justly and satisfactorily. But if, after all, an appeal to the State Department is desired, the parties must mutually agree upon the material facts, which must be embodied in a written statement, subscribed by the parties and forwarded to the State Office. The decision will be finally given by the State Superintendent, and will be based on the facts presented, presuming upon the truth of the agreed statement.

4. *County Institutes.*—Provision is made in the Law [*Sec.* 71] for the holding of County Institutes, and for defraying the expenses of such meetings by appropriations of money from the county treasury. It is earnestly hoped that every Commissioner in the State will labor to secure the organization of a Teachers' Institute in his county, and not only induce, as far as possible, the attendance of all the teachers in his jurisdiction, but encourage, also, the attendance of the people. The good which Teachers' Institutes are adapted to accomplish is not confined to the profession alone, but extends to the whole community. Our schools and school system need the countenance and support of public sentiment, and there is hardly any means which can be made more effectual in awakening and enlisting public influence in favor of our Free School interests than the regular and frequent recurrence of county educational meetings. The good effect of such meetings upon teachers is immediately apparent. Each Institute is a Normal School, in which the various theories and methods of teaching are discussed and exemplified by learned and experienced instructors, and while every such meeting is an occasion of interest and improvement to the most intelligent and

best qualified, its advantages and benefits are invaluable to young and inexperienced teachers. A fact which argues most strongly for the encouragement and support of County Institutes is, that the statistics of this Office show an increase and progress in all the elements of Common School efficiency in those counties where Institutes are held, far in advance of those counties where Institutes are unknown. I repeat, it is earnestly hoped that a Teachers' Institute will be organized in every county.

5. *Fines and Forfeitures.*—Moneys accruing from fines, penalties, forfeitures, &c., in any of the Circuit Courts of this State, or collected by Justices of the Peace, or other county officers, except municipal fines levied and collected in cities and towns for the violation of local ordinances, are devoted by the Law [*Sec.* 82] to the use and benefit of schools, in the county where such moneys are collected. The Law imposes upon the clerks of Circuit Courts, and upon Justices of the Peace, and other county officers, the duty of paying over all such moneys, when collected, to the School Commissioner, and in default of duty, the officer failing to pay over moneys collected under this *Section*, is liable to penal damages in double the amount so collected, said damages to be recovered before any court having jurisdiction, in a civil action, at the suit of the School Commissioner. The School Commissioner is not only *authorized* but *required*, by this law, to institute suit for the recovery of damages against all defaulting officers. It is believed that large amounts of money which *legally* belonged to the schools, under the provisions of *Sec.* 82, have been lost to the school fund through the failure of Circuit Clerks and Justices of the Peace to make returns to School Commissioners, as required. For the purpose of securing to the school fund the full benefit of this provision of the Law, instructions were issued from this Department, in March, 1860, to township Treasurers, to examine semi-annually the dockets of all Justices of the Peace in their respective townships, in respect to moneys belonging to the school fund, and to report to the School Commissioner, on or before the 15th of March and September of each year, the result of said examinations. The following form of Report was recommended to Treasurers:

REPORT of the Examination of the Docket of —— ——, Magistrate, in Township ——, Range ——, County of ——, Illinois. Made on the — day —, 18—.

Names of Persons Fined.	Date of Fine.	Amount of Fine.		Amount collected		Am't pd. to Sch. Comr.		Am't paid to Treas'r.		Am't collected & not pd. over.	
John Doe. . .	Sept. 5, '60	50	00	50	00			50	00		
Richard Roe, .	Jan. 1, '61	40	00	35	00	15	00	10	00	10	00

I certify the above to be correct.

—— ——, Township Treasurer.

To —— ——, School Commissioner.

Upon receiving this Report from the township Treasurer, it was made the duty of the School Commissioner to proceed at once, as provided in *Sec.* 82, and possess himself of the moneys reported and not paid over. The moneys accruing to the school fund from this source are to be distributed by the School Commissioner in the same manner and for the same purposes as the common school funds of the State are distributed. The language of the law upon this subject (*Sec.* 82) is plain and unmistakable. Commissioners have, in some cases, added these moneys to the principal of the county fund and loaned them as such. This is directly and openly at variance with the Law.

6. *Compensation.*—School Commissioners are entitled to a *per diem* compensation of two dollars (*Sec.* 71) for services performed under the *20th Section* of the School Law "for any number of days not exceeding one hundred in any one year." They are entitled to retain, as compensation for selling school lands, three per cent. of the amount of such sales made by them. They are entitled to a compensation of two per cent. of all sums of school moneys distributed, paid out, or loaned by them. They are also entitled to receive one dollar (*Sec.* 51) for every certificate of qualification issued under *Sec.* 50, excepting those certificates which are issued on days of public examinations of teachers, for which nothing is received.

Provision is made for adding to this compensation by an appropriation from the county treasury [*Sec.* 71,] whenever, in the judgment of the County Court or Board of Supervisors, such appropriation is deemed necessary and expedient. Under this law, County Courts or Boards have full authority to make appropria-

tions of money for the benefit of the office of School Commissioner, in such amounts as may seem just and necessary to enable that officer to devote more time and attention to the improvement of schools in his county. The appropriations made, however, under this *Section*, have been few and small. It is thought that the Law is not generally understood upon this subject, and in some counties it has not been known (until the attention of the County Board was called to the fact by the Commissioner) that the Law contained any provision authorizing the Board to make special appropriations of money to the School Commissioner. A liberal policy upon this subject should be pursued by the counties of the State. No investments of money yield so large and ready returns of general and substantial good as those made in the interests of schools.

The compensation of the Commissioner should not be so limited nor so contingent. An officer whose duties are so many and so arduous, and who, to act faithfully and efficiently, is required to devote so large a portion of his time to those duties, should receive an adequate and well secured compensation. The incidental expenses of the office, as postage, stationery, office rent, etc., should be paid as are similar expenses of county offices, out of the county treasury.

We will next examine the duties and powers of the School Commissioner growing out of his relations to

The Schools. *Supervision.*—The duties and powers of the Commissioner relating to the Schools are wholly supervisory, and may all be treated of under the one general head of *Supervision.* The official supervision mentioned relates to *Teachers* and *Schools.*

1. *Teachers.*—The supervision which the Commissioner is required to exercise over the Teachers of his county, has reference to their *Character*—their *Qualifications*—their *Work.*

(1.) *Character.*—Before licensing a candidate to teach a school, the Commissioner must be satisfied [*Sec.* 50] of his (or her) good moral character. The Law requires that the Commissioner shall be *satisfied* of the good moral character of the applicant before a license to teach is granted, and the Commissioner may be so satisfied either by actual personal knowledge of the applicant, derived from long and intimate acquaintance, or, if a stranger, the applicant's good character may be established by well-authen-

tiated testimonials. When written testimonials are offered, it would be prudent for the Commissioner to note, in his record book, all letters, certificates, or documents presented by any candidate as evidences of character. Such a record might prove useful in some possible contingencies which might arise, and would serve as a directory in case the Commissioner, for fuller satisfaction, should desire to correspond with the authors of the offered credentials. The responsibility of the Commissioner to supervise the character of Teachers in his county does not terminate with the issuing of the certificate, but extends throughout the whole term of the Teacher's service in the schools of the county. Provision is made [*Sec.* 50] for the revocation of the Teacher's certificate, for cause. This implies a continuous accountability on the part of the Teacher to the Commissioner, and a continuous responsibility on the part of the Commissioner to exercise a vigilant supervision over the character of the Teacher. Such a constancy of supervision is necessary to preserve the virtue of our schools.

(2.) *Qualifications.*—By this is meant the literary qualifications of the Teacher. The Commissioner must be satisfied [*Sec.* 50] that the candidate is qualified to teach the branches enumerated in the Law. The fact of qualification is to be ascertained by an examination of the candidate in all the branches specified, said examination to be made by the Commissioner "in person, or by one or more competent examiners whom he shall appoint."

The Law recognizes three grades of Teachers' certificates, known as the First, Second, and Third Grades. The Commismissioner should exercise a cautious discrimination in his examinations of Teachers under this *Section*, and award to the candidate a certificate of the very grade to which he is entitled. As a guide to Commissioners upon the subject, I would recommend the following, which I copy from the Fourth Biennial Report of this Office, issued by Mr. Bateman:

"First Grade.—The candidate for this grade should be able to sustain a thorough and critical examination upon all the subjects named in the act. He should be examined with reference, not only to mere technical knowledge, but to the principles of the branches required—the philosophy of the rules—the theory and practice of teaching—and the principles of school government. Especial inquiry should also be made as to the candidate's peculiar

aptitude in communicating knowledge, and his ability to make it clear to the pupil by lucid explanations, and prompt and pertinent illustrations. In determining the claims of the candidate for this grade, it would also be proper to regard certain points, upon which, from the nature of the case, there can be no formal examination, but the relevance and significancy of which cannot be questioned—such as precision and clearness of utterance, propriety and purity of diction, refinement of manner, genuine dignity of character and bearing, earnestness, conscientiousness and high-toned morality. It is thought that, in examinations of this character, far too much stress is ordinarily laid upon the value of *mere scholarship*. The technical and scientific acquirements of the candidate must indeed be unimpeachable, but it is sincerely believed that the considerations just referred to have a more important bearing upon the question of the real fitness and highest success of the teacher than the utmost perfection of purely scholastic attainments.

"Second Grade.—To secure this, the candidate should exhibit a thorough knowledge of all the branches required by law, but the examination may be conducted in a *more technical form*, with less reference to comprehensive, philosophical principles, and less rigor of scrutiny into the general qualifications enumerated above, as necessary for the first grade.

"Third Grade.—Certificates of this grade may be awarded to candidates, the standard of whose examination falls decidedly below that requisite for the preceding grade, but whose knowledge of the branches specified in the act is, nevertheless, such as to warrant the Commissioner in *putting them upon trial*, in a single district."

(3.) *Work.*—It is the duty of the School Commissioner to supervise the work of the Teacher, to acquaint himself not only with the theoretic qualifications of the candidate, (which he does by personal examination,) but also to learn, as far as possible, [*Sec.*, 20] the *manner* and *methods* of the Teacher's instruction and government in the school-room. If it be discovered by the Commissioner that the work of the Teacher is lame and imperfect, it is the duty of that officer to "give such directions in the art of teaching, and the method thereof as shall be deemed expedient and necessary, so that each school shall be equal to the grade for which it was established."

Constituted by the Law the judges of character and capacity in those who aspire to teach, the School Commissioner should himself possess a moral character above reproach, a learning adequate to the duty of the examination of applicants, which examination should be thorough and faithful, and a good knowledge of school discipline and government. If not so qualified himself, he will be unable to estimate truly such qualities in others.

While a candidate is undergoing examination, he should not be regarded by the Commissioner in any other light than *as such*, and the judgment and decision of the Commissioner, as examining officer, should turn only upon the fact of qualification or non-qualification, honestly ascertained by plain, pertinent and practical questions. If the *habits* of the candidates are vicious, and the fact is known to the Commissioner, he should be rejected at once. Better that children, whose character is in process of formation and is so susceptible of misdirection or perversion by contact with vicious example, should be for the present kept in ignorance, than be exposed to the corrupting influences which are ever associated with the life of a *bad man*.

The Commissioner should satisfy himself that the *learning* of the candidate is at least equal to the requirements of the law. Something must be left to the discretion of the Commissioner. Reference should be had not only to the kind, but to the state and circumstances of the school over which the candidate is to be placed. The idea is an old and very favorite one with many, that in an elementary school, where the pupils are small, and where only the rudiments are taught, it is not requisite that the Teacher possess much learning, and that it is sufficient if he be gifted with ordinary common sense, good manners, a tolerable judgment of human nature, and a reasonable stock of patience. These qualifications should be possessed unquestionably; but it is not less required that the Teacher of an elementary school should be himself *thoroughly learned in the elements*, which is not true of many who claim to possess an advanced education. Beginnings are important, and young pupils should be detained upon the *beginnings* until the Teacher is well assured that they are making *right* beginnings; and to instruct the little child rightly in the beginnings of his education, it is indispensable that the Teacher know what *is right*, and that he patiently inculcate *first*

lessons until they be well mastered. The Commissioner cannot, then, too closely scrutinize the qualifications of a candidate who aspires to teach *little children.* Schools in which are found children of larger growth and higher attainments should be presided over by Teachers who can supply their pupils with the mental and moral aliment which they demand, and who can and will elevate the character of their schools to the standard of dignity and usefulness which a more enlightened public opinion is demanding.

Schools are to be *governed* as well as *taught.* The examination of the candidate should disclose his qualifications to manage and govern pupils in the school room. Something can be learned of the candidate's governing capacity by questioning him upon the methods of discipline and government which he practices; but *not all* can be so learned. It is only by following the candidate into the school room, and observing closely his modes of government, and his temper in executing them, that a satisfactory knowledge of his qualifications as the governor of the school can be obtained. The whole duty of the Commissioner is not discharged, then, when the examination of the candidate is concluded. His further duty is to supervise his work in the school room, and satisfy himself that the Teacher is as practically qualified for his work *in* the school room, as he is theoretically qualified *out* of it. But being convinced that an intelligent and thorough supervision on the part of School Commissioners, cannot be secured by means of official visitation alone, from the fact that such visitations cannot be made by Commissioners so regularly or frequently as the necessities of the School demand, I have recently caused to be prepared a Blank Form for Teachers' Reports, which will be filled out and forwarded by Teachers in each County, to the School Commissioner, on the last day of each school month. The items of information to be communicated monthly to the Commissioner by each Teacher in the County, are the following: Number of Departments in the School; Number of Teachers, Male and Female; Number of Pupils enrolled during the Month, Male and Female; Whole number of Pupils enrolled during the Term thus far, Male and Female; Number of Days' Attendance; Number of Days Absent; Number of times Tardy during the Month; Time lost by Tardiness, in hours and minutes; Average Daily Attendance; Per cent. of Attendance; Number of times Teachers are Tardy; Time lost by Teachers on account of Tardiness, in hours

and minutes; Number of classes in School; Number of Classes per Teacher; Number of Pupils withdrawn; Number of Pupils expelled; Number of visits by Commissioner; Number of visits by Directors; Number of visits by Patrons and others; Text Books used in Schools.

The Blanks referred to are published by Messrs. Adams & Blackmer, of Rockford, and will be furnished by the publishers to the School Commissioners of the different counties, who are requested to distribute them to the Teachers as they may be needed. The cost of the Blanks will be comparatively trifling, and Commissioners are authorized to appropriate from the County Distributive Fund such an amount as may be necessary to purchase the requisite quantity of Blanks for the use of Teachers in their respective counties.

It is expected that School Commissioners will embody in their Annual Reports to this Department the aggregate facts communicated to them in the Monthly Reports of Teachers, and those officers will be furnished by this office with Blanks adapted to the purpose.

In introducing this new feature into the School Policy of the State, I will have to rely upon the prompt and hearty co-operation of County Commissioners; and I accordingly request those officers to second this effort to improve our system of School Supervision. Commissioners therefore, at each of their official examinations of Teachers, and before issuing to them certificates of qualification, will instruct them to be prompt, careful and regular in preparing and forwarding their Monthly Reports, as required by this Department.

In exercising the powers of supervision here specified, the Commissioner should be firm, but mild, strict, but kind. He should impress the Teacher with the fact that all his offices are well-meant, and performed in a friendly spirit. Praises should be more gladly and freely bestowed than censures, and suggestions of amendment should ever be made in a polite and kindly manner, and for the most part, in private. In short, the demeanor of the Commissioner should be such, that the Teacher will recognize in him a true friend, and one who really desires and seeks to promote his welfare, and the success of the school over which he presides. The supervision of the Commissioner extends also over the

2. *Schools.*—It is the duty of the Commissioner [*Sec.* 20] to "visit as often as practicable the several schools of his county, and to note the common method of instruction and branches taught," &c. It is not specified in the Law how often the Commissioner shall visit each school during the year—it is simply stated "as often as practicable." It is desirable that the Commissioner should know something of the wants, condition and prospects of every school in the county, and such knowledge cannot certainly be obtained without visiting each school in person. The Commissioner should, at the time of such visitation, inquire into the whole condition of the school. If possible, he should take the Directors with him, as there are some particulars of information which may be more correctly learned from those officers than from any other source. The following matters should be inquired into and carefully noted: The number of pupils; their classification; their arrangement in the room—the courses of instruction and order of discipline and government—text-books, the kind and varieties; the fitness of the books in general, and their particular fitness for the pupils and classes using them—the furniture and apparatus of the school-room; its conveniences for being warmed and ventilated; its cleanliness or otherwise—the external appearance and condition of the school-house and premises; the site, whether eligible and pleasant; the house, of what materials built, and whether adapted to the purpose, and in good repair; out-houses; well; play-ground; fences, trees, shrubbery and ornaments.

During the period of visitation, the Commissioner is entitled to the entire control of the school. If he choose, he may be, for the time being, the Teacher. He may elect what classes shall be called upon to perform exercises. He may direct the Teacher to conduct the recitation, or he may do it himself. In short, he may give direction to the whole order of the school during the continuance of his visit. These prerogatives seem to be indispensable to enable him to ascertain the true condition of the school, and are therefore incident to the office of Commissioner, as examiner of schools under the Law. The examination of the school should be thorough and satisfactory, and not an idle visit or a sheer ceremony.

A full account has now been given of the powers and duties of the School Commissioners.

TRUSTEES OF SCHOOLS.

ELECTION.

School Trustees are elected for two years, and until their successors are elected and qualified, the election occurring [*Sec.* 25] on the second Monday in October, biennially. Notices of election are required to be issued (by the Township Treasurer upon the order of the Trustees in incorporated townships, and by the County Clerk when the election is to be held in a township not organized,) and posted in public places, at least ten days previous to the day of election.

In townships where no election for School Trustees has been held, the first election may be held on any Monday, notice being given, as above.

It is provided [*Sec.* 25] that the election of Trustees may be postponed for one week, on account of the small number of voters in attendance on the first day appointed, when a majority of the voters so attending shall desire such postponement, or when, in the judgment of the Trustees, the public good requires it. If at any time the election be not held on the day appointed by Law (second Monday in October,) by reason of a failure or neglect to give the required notice, then said election may be held on the first Monday in November, or on any other Monday, due notice being given.

Trustees, when present and consenting, shall preside over the election, in incorporated townships [*Sec.* 26,] two of their number acting as judges, and the third as clerk. In unincorporated townships, (or in incorporated townships where the Trustees fail to act,) judges and a clerk shall be chosen by the legal voters present.

Elections for School Trustees, as well as processes for contesting elections [*Sec.* 27,] shall be conducted under the general election laws of this State. In case of a tie, the judges shall determine [*Sec.* 28] the election by lot.

Vacancies in a Board of Trustees, occasioned by resignation, removal, or death, shall be filled by special election [*Sec.* 29,] legal notice being given.

The returns of election properly certified to are to be delivered to the School Commissioner [*Sec.* 30,] and filed by him.

To be eligible to the office of Trustee, it is required of a person [*Sec.* 24] that he be twenty-one years of age, and a resident of the township. It is also required by the State Constitution, that he be a citizen of the United States.

To be eligible as a voter at an election of Trustees, the person must possess the same qualifications [*Sec.* 28] as will entitle him to vote at general elections in this State.

The Board of Trustees is a body politic and corporate [*Sec.* 23,] of perpetual existence, and is privileged and liable as other bodies corporate. Trustees elected under the new School Law are the legal corporate successors [*Sec.* 31] of Trustees of Schools and School Lands, as existing under former laws.

DUTIES AND POWERS.

Regular semi-annual meetings of the Trustees shall be held [*Sec.* 32] on the first Mondays of October and April, in each year, and special meetings may be held at the call of two members of the Board, at such other times as may be necessary. At the first meeting after election, the Board shall organize by appointing one of their number President, and a suitable person (not a school officer) Treasurer, who shall be also clerk of the Board, and who, upon his appointment, shall immediately execute a bond [*Sec.* 55,] as will be again noticed.

The duties and powers of Trustees relate to *The County—The Township—The Districts.*

1. *The County.*—The Board of Trustees of each township is required to report annually [*Sec.* 36,] as is ordered by the State Department, to the School Commissioner, on or before the second Monday of October, in each year, full information of facts concerning—*First*, the condition of Schools in the township; *Second*, the number of persons under twenty-one years of age; *Third*, a statement of the fiscal affairs of the township. The Report here required will embrace such details of facts as may be demanded by the School Commissioner, who will supply each township Treasurer with blanks prepared for the purpose, with suitable instructions for making out and returning said Report, as provided in *Sec.* 36. If the Trustees fail to perform this duty, the School Commissioner is authorized [*Sec.* 21] to employ a competent person to collect the required statistics and facts and report the same

to the officer employing him. The person so employed shall receive reasonable compensation for his services, to be paid by the Commissioner out of any moneys which are, or may come into his hands belonging to said township. The amount so paid shall be charged against the Trustees of the delinquent township, who shall be personally (not officially and corporately) held for its payment, and in case of refusal so to pay the amount charged against them, the Commissioner is authorized to proceed against them for its collection, in a civil action before a court.

2. *The Township.*—Trustees are required to hold in trust for the use and benefit of the inhabitants of the township, all moneys, property, papers (including deeds, mortgages, bonds, notes, judgments, and decrees,) and effects belonging to said township. The title to all school property belonging to the townships, as lands, school-house sites and premises, school-houses, with all their appurtenances, is vested in the Trustees. All "mortgages, bonds, notes, or other securities taken for money or other property," on behalf of the township, shall be executed to the Trustees in their corporate name, and all judgments and decrees in favor of the township shall be rendered to the Trustees in their corporate name and capacity. They shall cause all moneys for the use of the township to be paid over to the township Treasurer, who shall likewise hold in custody all deeds, mortgages, bonds, notes, or other evidences of title or indebtedness. It is made the duty of the Trustees [*Sec.* 38] to overlook and examine carefully, at each semi-annual meeting, (and oftener, if necessary,) all moneys and papers belonging to the township, that they may be satisfied of their safe-keeping, and of the integrity and fidelity of the Treasurer, who is the appointed custodian of these valuables.

The Trustees, as the corporate agents of the township, are authorized to purchase and receive real estate [*Sec.* 41] in satisfaction of debt accruing to the township by any judgment or decree, rendered in favor of said township by any court, or in satisfaction of any mortgage, bond or note held by said Trustees, when deemed expedient, and for the interest of the township, and to sell and convey, lease or rent for the benefit of the township, real estate, the title of which is vested in them, in such manner and on such terms as they may deem best calculated to promote the interest of the township fund, provided, "that in all cases of sale of land, the sale shall be made at the same place,

and notice given in the same manner as is provided for the sale of the sixteenth section." They may receive [*Sec.* 39] "any gift, grant, donation, or demise made for the use of any school or schools, or library, or other school purposes within their jurisdiction."

It is made the duty of the Trustees [*Sec.* 84,] when notice has been given to them by the School Commissioner that the inhabitants of the township desire to sell the sixteenth section, or any part thereof, to proceed immediately to divide the land to be sold into tracts or lots of not more than eighty acres each [*Sec.* 85,] executing a certified plat of said division, on which each tract or lot shall be numbered, which plat shall be filed with the School Commissioner. They shall affix a value upon each tract or lot to be sold, and no lot or tract shall be sold for less than its said valuation [*Sec.* 88.] In cases where Common School lands have been valued or appraised by the Trustees, and remain unsold for two years (having been publicly offered for sale,) the Trustees may "vacate the valuation thereof [*Sec.* 91,] and cause a new valuation to be made, if in their opinion the interests of the township will be promoted thereby." Said new valuation is to be reported to the School Commissioner with plat.

Trustees are required [*Sec.* 33] "to lay off the township into districts to suit the wishes and convenience of a majority of the inhabitants of their townships, and shall prepare, or cause to be prepared, a map of their township, as often as may be necessary, on which shall be designated districts, to be styled district No. ——, in township No. ——, which they may alter or change at any regular session; which map shall be certified by the president and clerk of the board, and filed with and recorded by the county clerk."

The original doctrine of the *33d Section*, as held by all the State Superintendents, was, that the inhabitants of the township, whose interests are vitally involved in the division of their territory into school districts, had the right and privilege to control such division, by representing to the Trustees, in the form of vote or petition, their wishes and convenience. It was thought that such an understanding of the *Section* was justified by the very clear and explicit terms of the law itself. True, the *Section* does not provide any *particular mode* by which the wishes and convenience of the people were to be expressed. But it was believed

that this omission on the part of the Legislature *was of design*, it being wisely left to the people themselves to elect such a mode of expressing their will as would be deemed most convenient and influential. Certainly the Legislature could invest the people with *the right* to do an act, without specifying the *very mode* in which such act is to be done, especially when the party so authorized to act was competent to elect any one of several modes which might be thought most simple, easy and convenient.

It had transpired in some instances, that application had been made to the Trustees by a single individual or by a few individuals of a district, for a change of district boundaries to suit the private wishes and interests of such individual or individuals, without regard to the general advantage or convenience of others, and the application had been granted by the Trustees without consulting the wishes of a majority or of any considerable number of those who were interested in the change. To prevent such injustice, the Department had issued general instructions to Trustees to restrain their action in all such cases until notice should be given to the people of the districts interested, and opportunity afforded them to express their wishes upon the subject of the proposed change. It was held to be the duty of Trustees to postpone action in such cases until the people could be heard, even though those officers were satisfied, from representations made to them, that the change sought would not operate to the disadvantage of any interested. If the change proposed promised to be of general advantage, it was thought the people would not fail to express their acquiescence, while on the other hand, if the change sought would be likely to operate injuriously upon general and connected interests, it was due to the people that they should be allowed to express their sense of the proceeding, and remonstrate against the attempted wrong. Such have been the opinions and instructions of the State Department with reference to the 33*d Section*, until its contrary meaning was fixed by a decision of the Supreme Court, which I will now notice.

The decision was given in the case of Metz *et al.*, School Directors, *vs.* Anderson *et al.*, Trustees. The case was taken to the Supreme Court, on writ of error, from Schuyler County, in this State. The material points of the case, and upon which the decision turns, are these: The Trustees, in April, 1855, laid off and divided the township into nine districts, executing and filing

plat, according to law. Immediately, the inhabitants of district No. 9 organized by the election of Directors, &c., purchased a school-house, and maintained schools until October, 1857; the Trustees, in October, 1857, at the instance of citizens of district No. 8, without the knowledge or consent of a majority of district No. 9, passed an order consolidating districts Nos. 8 and 9, under description of district No. 8, and made and filed a map accordingly. The inhabitants of original district No. 9, believing that the act of consolidation was illegal, as the change had been made without consulting the inhabitants of said district, and that the Trustees would, at their next regular meeting, rescind said act, proceeded to elect Directors, just as if no change had been made. Immediately following the act of consolidation, district No. 8 (now including also district No. 9, according to the late action of the Trustees,) contracted a heavy debt in the purchase of a school-house, and levied a tax upon the whole district, as consolidated, to provide the means for discharging the debt. District No. 9 held that Directors of consolidated district No. 8 had no jurisdiction within the limits of original district No. 9, and had no authority to assess upon property situated in said district No. 9, for the purpose of assisting in paying a debt improvidently contracted. Upon the facts as here stated, it was decreed by the Circuit Court of Schuyler County, that "the said defendants, and each of them, be perpetually enjoined and restrained from collecting any and all school tax levied and assessed against the property included in the boundaries mentioned [district No. 9.] And that the defendants pay the costs of this proceeding." From the decision of the court below, the defendants sued out a writ of error, assigning, in part, that "the court erred in the order, decreeing a perpetual injunction, restraining the collection of taxes, as restrained." The cause came to a hearing before the Supreme Court at the January term, 1860, and the decision of the court below was reversed, and the bill dismissed, the opinion being rendered by Judge Breese. I subjoin the opinion of the Supreme Court, excepting introductory paragraphs, which are not material to an understanding of the decision:

We think this case depends wholly upon the construction to be put upon the thirty-third section of the act of 1857, to establish and maintain a system of free schools. (Scates' Comp., 440.)

That section provides "That Trustees of schools shall lay off the township into districts to suit the wishes and convenience of a majority of the inhabitants of the townships, and shall prepare, or cause to be prepared, a map of their township, as often as may be necessary, on which shall be designated districts, to be styled District No. —, in Township No. —, which they may alter or change at any regular session; which map shall be certified by the President and Clerk of the Board, and filed with and recorded by the County Clerk, in a book to be kept for that purpose, to be paid for out of the County Treasury: *Provided*, that school districts may be formed out of parts of two or more townships or fractional townships—in which case the Trustees of the schools of the townships interested shall act in conjunction in the formation of such district. When a new district is formed from one or more districts, the Trustees shall make division of any tax funds which are or may be in the hands of any officer, in proportion to the amount of taxes collected from the property remaining in each district; and it shall be the duty of the officers to pay the same on the order of the Trustees."

The charge in the bill is, that the order of October 5, 1857, re-districting the township by which districts eight and nine were consolidated to form district eight, was made without consulting the wishes and convenience of a majority of the inhabitants of district nine, or of the township at large.

This allegation is denied by the answer, and the Trustees who made the order testify that at the time they made it, it did suit the wishes and convenience of the majority of the inhabitants of the township, as they then thought and believed, and still think.

There is some proof to show that it was not inaccordance with the wishes or convenience of district nine, or of the township, but the law *does not provide any mode by which these facts are to be ascertained. No vote of the people; no petition is required; but the Trustees are peremptorily required to lay off the township into districts;* and they are directed, in so doing, to suit the wishes and convenience of the inhabitants of the township. *There being no mode provided by the act by which this is to be accomplished, the Board must necessarily take the responsibility of deciding the question, acting upon the best lights before them, and exercising their best judgment. They must perform that duty; and their honest action cannot in this manner be inquired into.* But, we apprehend, if the views of the defendant's counsel be correct, the validity of this order of October 5, would not be affected by it; *for the power to alter and change districts, when once established, is expressly given to the Trustees, by the same section—the only limitation being, that it shall be done at a regular meeting of the Board.*

The record shows, that the consolidation of districts, which is no more than a change of the districts, was, at the regular October meeting held for the purpose of equalizing certain districts.

Those alterations and changes are, and must be, peculiarly within the control of the Board, and if they err in their action, no fraud or corruption being charged, this court cannot interfere. No palpable case is made out; no gross injustice, oppression or corruption is shown.

But if it could be shown that the order changing the districts by consolidating two districts into one, was an unwarrantable exercise of power, it might, with propriety, be claimed, that there has been an acquiescence in it by the functionaries of the now complaining district nine.

The evidence is, that this consolidation was made by an order passed October 5, 1857, and that immediately thereafter, the Trustees of nine surrendered to the Trustees of the district as consolidated, the possession of their school house, and all the books, papers and property belonging to district nine. The new directors of the consolidated district took possession of all of it, employed teachers, and maintained schools in it from that time until this bill was filed. The inhabitants of district nine send their children to those schools—many of those inhabitants voted at the elections held under the school law in the new district, and some of them were voted for for officers in the district. The Directors of the consolidated district, at the request of the old Directors of nine, paid a large sum of money on the indebtedness of nine. The inhabitants further recognized the consolidation by petitioning the Trustees to rescind the order of consolidation, and place them back in the old district.

These acts go far to show an acquiescence in the action of the Trustees of the township, and, at any rate, relieve the case from any imputation of gross injustice, oppression or corruption, and constitute, at least, good grounds for the refusal of the restraining power of a court of chancery.

These acts, so acquiesced in, constitute the Directors who levied the tax in the consolidated district, officers, *de facto*, at least, and as against them and their acts, the remedy is at law. The tax was levied at the time prescribed by law, and on property, subject to taxation for school purposes in the district, and no irregularity is charged upon the mode or object.

We have said in Merrit *vs.* Ferris, 22 Ill., 303, that where irregularities are charged, equity will not restrain the collector of a tax levied by officers *de jure* or *de facto*, much less then, when no irregularities are charged; and the same point was ruled in Munson *vs.* Wilson, ib. 602. In this case the court say: It is believed the cases are rare, even when the tax had been levied by persons having no pretense of legal authority to make such levy, or in cases where the tax was not authorized by law, or where the warrant for collection was void, that courts have interposed to stay its collection; that in case of a levy of an illegal tax a court of law has jurisdiction. If persons having no pretence of legal authority were to levy a tax, or if persons not hold-

ing an office to which the power to levy a tax is incident, or holding an office to which it is not incident, were to levy a tax, the court might interpose. But if officers, *de facto* or *de jure*, exercising an office to which the power is incident, exercise it, the courts will not interpose to prevent its collection.

We cannot, in such a case as this, try the right of the Directors who levied this tax, to hold their office, and do the act in virtue of it. If the tax is illegal and is collected, the remedy at law is complete to recover back the money paid. The right to exercise the office of Director can be inquired into by *quo warranto*, or the original proceedings brought upon *certiorari* and revised.

The remedy of the defendants, in every view of this case, if there be a wrong, is at law, but we think no wrong or injustice has been done, such, at least, as will warrant our interference.

The decree of the court below is reversed, and the bill is dismissed.

The doctrine advanced by the Supreme Court here is plain, and amounts to this: that Trustees have the legal right and authority to lay off, alter and change school-districts, at any regular meeting, and no vote or petition of the people is necessary. This decision is precedent, and all opinions and instructions emanating from this Department must conform thereto. I have chosen to insert this decision here, because I desired to have it stand in immediate connection with my comments upon duties and powers of Trustees under the 33*d Section*.

It is required that Trustees shall execute a map, showing the boundaries of school districts as laid off, which map or maps shall be changed to correspond with the changes and alterations made from time to time in the boundaries of districts within their townships. No change or alteration of districts can be legally consummated, until the action of the Board enacting such change is put on record, and a map or plat made and filed with the County Clerk.

Townships may be first laid off into districts at any meeting of the Trustees, but after the township is so laid off, the boundaries of districts can only be altered or changed at a regular meeting, held on the 1st Monday of April or the 1st Monday of October. If a proposition to divide, alter or change any district or districts has been submitted at a regular meeting and partially acted upon, the business may be finished up at an adjourned meeting held on another day, and it is held that such action is lawful.

Districts may be formed out of two or more townships [*Sec.*

33,] in which case it is required that the Trustees of the townships interested shall act in conjunction. When so formed, districts cannot be altered or changed without the conjoint action of the Trustees, as in case of formation of such districts. It is not necessary that the separate Boards meet in *joint session*, but only that a majority of each Board agree to the action proposed.

3. *The District.*—The Trustees are required [*Sec.* 34] to make, at each regular semi-annual meeting, an equitable partition and distribution of the State, county and township funds on hand and ready for distribution at the time of such regular meeting. The conditions upon which the semi-annual apportionment of school-moneys is to be made are stated in the 34*th Section*, viz.: First, two per cent. of the amount on hand and to be apportioned, is to be deducted and paid to the township Treasurer, as compensation for the custody and disbursements of the funds entrusted to him; Second, whatever may be due for books of Treasurer; Third, such an amount as may be necessary for the purpose is to be deducted to pay any expenses legally incurred by the Board in dividing school lands, making plats, or for the purchase of books, stationery, &c., for their own use; Fourth, "of the balance, one half shall be divided among the districts in proportion to the number of children under twenty-one years of age in each, and the other half in proportion to the attendance certified in the schedules."

The *basis* of apportionment, as quoted from the Law, in the last clause of the foregoing paragraph, was determined upon by the Legislature, after much and patient discussion, as being the most equitable and politic that could be enacted. The apportionment is, in design, a capitation grant of money for the education of the children of the State. It is as if the State had, from closest calculation, ascertained the minimum cost *per child* of a common school education, and had engaged to furnish the means, according to such minimum rate of schooling, for educating every child of school-going age within her borders. This is the *theory* of the Law. The end proposed by the State sometimes fails *practically*, for the amount *appropriated* to each and every child is not always equal to the cost of the *education* of each and every child. *Then*, the deficiency is supplied by local means. If the money which the State gathers from various sources, and consolidates into a common-school fund, is raised for the specific and

only purpose of giving to each and every child a free education in the district school, then clearly the money thus raised should be so apportioned and distributed that each and every child *who is being educated* shall receive the benefit of the grant. This end is secured in the apportionment law, as contained in the 34*th Section*. Any other basis of apportionment would be illegitimate. To disburse this fund upon a *territorial* basis would be unjust, because in that case the money would go where the territory is, and often the *territory* is found where the *children* are not. To apportion the money upon the basis of assessed valuation of property would be illegitimate, as respects the purpose of the State in giving the money, for the reason that the least wealthy and prosperous portions of the State may be the most populous, and again the money would go where the children are not. To distribute the funds upon the basis of *whole population*, including adults, would be illegitimate, since the money is devoted to *children* and not to *adults*, and so, in the precise proportion that *adults* were included in the enumeration would children be deprived of their rights, as contemplated by the Law. But when the doctrine is avowed, as it is in the Law, that the school money of the State shall be expended for the schooling of the *children* of the State, the basis of distribution must be *children*. And so it is. "One half shall be divided among the districts in proportion to the number of children under twenty-one, and the other half in proportion to the attendance certified in the schedules." The money is given *only* to districts in which schools are kept, so that the State guards, as far as practicable, against any *useless expenditure* of its funds, by denying to districts where no schools are, any participation in the common bounty. The money is given in *increased proportion* to those districts which show a maximum of *time* during which schools are kept in operation, and a maximum of *attendance* during the time the schools are kept open. Thus, the common school money is distributed where it is shown the *children* are attending school, and its *proportion* is increased, as the school-going population manifests its appreciation of the public benefit by constant and regular attendance.

The following instructions of Mr. Bateman, explanatory of the duties of Trustees under the apportionment law of the 34*th Section*, are inserted for the benefit of those who need them:

"1. The first step is to ascertain the whole amount on hand,

and ready for distribution. And here I would *recommend* that only *cash in hand* be apportioned. So many instances have been reported to this Office, in which the interest *due* on the township fund, but *not paid*, has been apportioned to the districts, upon the most positive promise of the parties that it *would* be promptly paid, and where such promises have not been kept, and teachers and other creditors have been disappointed, and misunderstanding and trouble have resulted, that I am decidedly of opinion that the better way is, for Trustees not to rely upon such uncertainties, but to apportion, *as cash*, that which *is cash*, leaving interest, &c., due but unpaid, for the next distribution.

"2. The second step is to divide the amount on hand, into two equal parts.

"3. The next step is to APPORTION these sums to the several districts. To *apportion*, and to *distribute*, or *pay out*, are very different. The former is to estimate and determine the just share accruing to each district. The latter is to actually dispose of the sums thus ascertained to be due, to the parties authorized to receive them. Days, or months even, may elapse, between apportionment and distribution.

"4. The last step in the process, is to *pay over the money*, as required by the Directors, in their certificates on the schedules, or by a special order.

"Let us take a case:

"I. We have $5,000, on hand.
"II. We divide into equal parts, $2,500, each.
"III. We *apportion* $2,500, on *census*.

"There are four Districts in the Township, from which the returns of children under twenty-one are as follows:

District No. 1 has 800 children.
District No. 2 has 700 children.
District No. 3 has 600 children.
District No. 4 has 500 children.

Total.....2600 children.

"We then say:

Census	Census	Dollars.	Dolls. cts.	
2600	: 800 ::	2500 :	769 23	—Amount due District No. 1.
2600	: 700 ::	2500 :	673 08	—Amount due District No. 2.
2600	: 600 ::	2500 :	576 92	—Amount due District No. 3.
2600	: 500 ::	2500 :	480 77	—Amount due District No. 4.
2600	: 2600 ::	2500 :	2500 00	*Proof.*

"IV. We now apportion $2500, on *attendance* certified in the schedules.

"The grand totals of days' attendance, certified in the several schedules are as follows:

District No. 1 reports 12000 days.
District No. 2 reports 8000 days.
District No. 3 reports 6000 days.
District No. 4 reports 4000 days.

Total ..... 30000 days.

"We then say as before:

Days	Days	Dolls.	Dolls. cts.	
30000 :	12000 ::	2500 :	999 99	—Amount due District No. 1.
30000 :	8000: :	2500 :	666 66	—Amount due District No. 2.
30000 :	6000: :	2500 :	499 99	—Amount due District No. 3.
30000 :	4000 ::	2500 :	333 36	—Amount due District No. 4.
30000 :	30000 ::	2500 :	2500 00	*Proof.*

"Our Treasurer then makes entries in his Cash Book as follows:

A. B., TREASURER OF T—— R——, &c.
In account with District No. 1.

To distributive share on census	$769 23
To distributive share on schedule.	999 99
Amount	$1769 22

And in the same manner, for each District.

"The money is now duly *apportioned* to the Districts. The *Trustees* have nothing more whatever to do with a dollar of it, except to instruct the Treasurer to pay it out on the proper order of the Directors."

In making the semi-annual apportionment and distribution of school moneys to the districts, the Trustees should faithfully apply and rigidly enforce the legal condition, commonly known as the *six-months rule*, excepting in cases where the operation of that rule has been temporarily suspended for the relief of any certain district by authority of the State Department. The doctrine of the six-months rule is this: No district is entitled to share *in any wise* in the distribution of the school fund, which has not kept in operation a *free school for six months at least* during the School year next preceding that in which demand is made for payment. To illustrate the application of this rule, take the cases of two

districts, No. 1 and No. 2. In district No. 1 a free school was kept in operation for six months during the school year commencing October 1st, 1862, and closing September 30th, 1863,* but *no school* has been kept in said district since the commencement of the present school year, October 1st, 1863. Under the law, said district No. 1 would be entitled to draw public money at the April and October apportionments, 1864, because it had complied with the six months condition, and had kept a free school for six months *during the school year next preceding that in which demand was made for payment.* District No. 2 kept *no school for six months* during the school year, commencing October 1st, 1862, and ending September 30th, 1863, but *has kept a school for six months* during the school year, commencing October 1st, 1863. Under the six-months rule, district No. 2 could *not* be entitled to any public money in April and October, 1864, for the reason that it *had not* complied with the condition, and *had not* kept a school for six months during the school year *next preceding that* in which the demand was made for payment. District No. 1 is entitled to draw public money *this year* on account of school kept *last year*, but will *fail* to draw *next year* on account of failure to keep a six-months school *this year.* District No. 2 is not entitled to draw public money *this year* on account of its failure to keep a six-months' school *last year*, but will draw public money *next year* on account of school kept *this year.* In other words, the rule *always* has reference to the school year *next preceding.*

The six-months rule does not apply to districts newly organized. If a district was first organized October 1st, 1863, and has kept school for any length of time since, it is entitled to draw public money in April and October, 1864, but its further right to draw money will depend upon its further compliance with the six-months requirement.

It is not required that a school be kept in operation for six *consecutive* months during any school year to entitle the district in which said school is kept to draw public money. It is sufficient if the school is kept in operation for six months, though *one term* of the school be held in *one part* of the school year, and *another term* of the school be held in *another part* of the school year. If the terms *taken together* are equal to six months, the district is

* Every school year commences October 1st, and closes September 30th.

entitled to draw public money, provided that the terms be held during the *same school year.*

It is required by the six-months rule, that each district shall keep a school in operation for six months during each and every school year. If a district has kept a school for *nine months* during *last* school year, and has kept a school for only *three months* during the *present* school year, it is not legitimate to carry over the three months' *excess* of *last year* to make up the *deficiency* of *this year.* True, the school has been kept *twelve months* during the *two years,* but the condition of the law is, that school shall be kept for six months in each and every school year, which is *not true* of the district named, *no school* having been kept *for six months* during the *present school year,* and so the condition is not satisfied. It is not lawful, therefore, for Trustees to *average* the time a district may have kept school for a course of years, and apply the *excess of time* in one school year to make up the *deficiency of time* of another school year.

The duty of Trustees is to enforce this condition of the law with the most inflexible strictness and fidelity. Every delinquent district should be firmly and peremptorily denied the benefit of any participation in the semi-annual distribution of the public funds. All the Trustees need to know, is *the fact* of delinquency, not the *causes* of it. They have then but one course to pursue, viz.: to *withhold the public money.* Even though they may *know* that the failure to comply with the law was occasioned by severe and unavoidable misfortunes, and that the withholding of the public money will work a hardship toward the suffering district, yet *they* have no power to suspend the course of the law. Relief in such cases must come from *another source,* and unless it *shall* come from that other source, it cannot come at all. The State Superintendent may interpose, *for adequate cause,* for the relief of a suffering district, and may require the Trustees *not* to withhold the public money, in which case the district will be admitted to share in the distribution. But in the absence of *specific instructions* from the State Superintendent, relieving a district from the operation of the law, the Trustees have no alternative—the law must be enforced.

In making the semi-annual apportionment, Trustees are required [*Sec.* 34] to distribute to the districts of their township, "one half [of the distributive fund] in proportion to the attendance certified

in the schedules." Before apportioning upon schedules, Trustees should satisfy themselves that they are conformed, in all *material points*, to the form of schedule as given in *Section* 53 of the School Law. The schedule is the only substantial and reliable evidence that the Trustees have to assure them that the school was "conducted according to law." It must therefore fully and fairly exhibit the facts required by law, and must be accredited [*Sec.* 53] by the certificates of the Teacher and at least two Directors. If it be discovered that the schedule is not in proper form, or that it does not conform to the law in any material point, it should be returned (if possible) to the Directors for amendment. No advantage should be taken of any merely technical non-conformity to the law, and the interests of the district should not on any such account be prejudiced, through the ignorance or inadvertence of its officers. Although by a strict and technical test, a faulty schedule might be rejected, and the Trustees would be *legally* justified in such rejection, yet fairness and kind dealing would suggest the reference back of the defective instrument for purposes of correction and amendment. The case is different where the Trustees *know*, or have *good reason* to suspect, that deception or fraud is meditated. Under such circumstances, a careful investigation should be entered into, that the attempted dishonesty may be exposed. Before apportioning upon schedules, however, the Trustees should require that they be substantially conformed to the Law, as found in *Section* 53.

It is not required of schedules that they cover each a period of six months, before they can be apportioned upon. It has been already said that a school need not be taught six *consecutive* months to entitle it to share in the semi-annual distribution, but it may be kept two terms of three months each, or differently, so that it be kept open for at least six months during the school year. Schedules which are returned *in time*, from districts which have complied with the six-months requirement, must be apportioned upon, without any reference to the number of months embraced in them.

Schedules are required to be filed by Directors [*Sec.* 54] at least two days before the semi-annual meetings of the Trustees in April and October. The schedules to be entertained by the Trustees are those and those *only* which relate to schools kept during the six months next preceding each regular meeting of

the Board. At any regular meeting of the Trustees, those schedules and *those only* which pertain to schools kept during the six months immediately next preceding the time of such regular meeting, will be entertained and apportioned upon. For example: At the Trustees meeting to be held on the 1st Monday of October, 1864, the schedules of all Schools in the township which shall have been kept since April 1st, 1864, will be passed upon by the Trustees. But the schedule of a school kept during the months of January, February and March, 1864, or at any time prior to their regular meeting in April, 1864, will *not* be entertained by the Trustees at their meeting in October, 1864, because said schedule is not returned to them "at the time fixed by law." The time fixed by law for the return of *that* schedule was *April*, 1864. Distinctly, the schedules of all schools taught from April 1st to September 30th of any school year, must go before the Trustees at their regular meeting in the *October following;* the schedules of all schools taught from October 1st to March 31st of any school year must be presented to the Trustees at their regular meeting in the *ensuing April.* If a school commence on the 1st of March of any school year, and continue three months, the schedule for *March* must be passed upon by the Trustees at their regular meeting in *April*, and the schedule for *April and May* must go before the Trustees at their regular meeting in *October following.* All schedules are passed upon and disposed of at each regular meeting *up to date*, and Trustees can take no official cognizance of schedules presented to them *which date back to a period longer than six months from such presentation.*

Where separate schedules are returned to the Trustees, showing the attendance of pupils at a school in a certain district which have been transferred from another and adjoining district, it is the duty of the Trustees to apportion upon said separate schedules, as is referred to in *Section* 35. In making the apportionment upon separate schedules, the Trustees will remember that each district in their township is entitled to receive all the money due on schedules of its own pupils, *wherever they may have attended school*, whether in their *own* district or in *another.* The district *to which the children belong* is entitled to all money apportioned upon their *attendance at school*, whether the register of such attendance be kept at *their own* district school, or in a neighboring school, situated in *another district.* Whenever, then, a separate schedule

comes before them, the money to be apportioned upon *that* schedule is due to the district where the children reside whose attendance is certified to in said separate schedule. Say *ten* children who reside in district No. 1, have attended school in district No. 2, which attendance has been certified to by the Teacher and Directors of No. 2 in separate schedule. The money apportioned upon such separate schedule will go to district No. 1, and the means are thus furnished to No. 1 to discharge the expense which the foreign schooling of its children has entailed. By authority conferred in *Section* 35, the Trustees, after having apportioned upon the separate schedule as above, and having ascertained the amount due the Teacher in district No. 2 on said separate schedule, for tuition of children belonging to district No. 1, may immediately order their Treasurer to pay the amount so due to said Teacher, out of moneys belonging to district No. 1.

If, in the case supposed, district No. 1 and district No. 2 are situated in two townships, the separate schedule should be returned by the Directors of No. 2 to the Trustees of the township in which No. 1 is situated, that the apportionment may be made upon the basis of aggregate attendance certified to in both the regular schedule of No. 1 and the separate schedule returned from No. 2. It is precisely the same as if *two schools* had been taught in No. 1.

Upon the supposition that No. 1 had either kept *no school* or had forfeited its right to share in the apportionment, the course to be pursued will be the same, the Directors of No. 1 being required to provide, by special means, for the payment to No. 2 of the tuition of their transferred pupils, just as if said pupils *had not been transferred*, but had been taught in their home school.

If the non-resident pupils attending school in No. 2, as supposed, live in an *unorganized district*, the Directors of No. 2 will collect tuition of the pupils themselves, or of their parents or guardians, just as in the case of persons attending school over twenty-one years of age.

Trustees are required, [*Sec.* 39] when a district shall be divided, or a portion of one district is set off to another, to divide the funds, property, &c., of the original district, and distribute the same to the several parts interested therein. If the property should be sold, (as may be done, under *Section* 39,) then the proceeds of the sale must be equitably divided and distributed.

Provision is made [*Sec.* 39] for selling the school-house and premises of a district, when in the opinion of the Directors said house and site have become unnecessary, unsuitable, or inconvenient for the use of the district. The Trustees are authorized, in such cases, to sell the property, at the instance of the Directors, after giving twenty days' notice of such sale, "by posting up written or printed notices in public places, particularly describing said property and terms of sale, and such conveyance shall be executed by the president and clerk of said Board, [of Trustees] and the avails shall be paid over to the township Treasurer for the benefit of said district."

TOWNSHIP SCHOOL TREASURER.

APPOINTMENT.

The Treasurer af Schools for each township is appointed [*Sec.* 32] by the township Board of Trustees. He is entitled to hold his office during the term for which said Trustees were elected, and until his successor shall have been appointed, and shall have executed a bond, as required by law, unless he shall be sooner removed from office by the Trustees.

Before entering upon the duties of his office, the Treasurer is required [*Sec.* 55] "to execute a bond, with two or more freeholders, who shall not be members of the Board, as securities, payable to the Board of the township for which he is appointed Treasurer, with a sufficient penalty to cover all liabilities which may be incurred, conditioned faithfully to perform all the duties of township Treasurer, according to law." The bond, when executed and approved by the Board, shall be filed with the School Commissioner of the county. The form of Treasurer's bond is given in *Section* 55. For neglect of duty, or malfeasance in office, the Treasurer may be sued on his bond, suit being brought [*Sec.* 40] by the Trustees. Upon the election of a new Board of Trustees, or the re-election of an old Board, the Treasurer should execute a new bond. This is not only required by law, but is necessary in justice to the securities, and for the due protection of the public money. No Treasurer should be re-appointed until his accounts for his preceding term of office have been carefully examined and audited by the Board of Trustees, and until the Board shall be entirely satisfied of his fidelity and efficiency. On retiring from office, it is the duty of the Treasurer [*Sec.* 65] to pay over to his successor all moneys in his possession pertaining to his office, and deliver over all books, papers and documents of every description, belonging to the corporation, and which may have come into his hands by virtue of his office. In default of such delivery, he is liable to penal damages [*Sec.* 65] to be collected at law. The Treasurer should be a resident of the township.

DUTIES AND POWERS.

I shall separate the duties and powers of Treasurers into those which pertain to *The Township—The Districts.*

(1.) *The Township.*—The Treasurer is *ex officio* clerk of the Board of Trustees. As such he is required [*Sec.* 56] to enter in a book provided for the purpose the proceedings of all the meetings of the Board, recording all their doings, registering all their rules, orders, resolutions, &c., that they may be preserved in permanent form for future use and reference. The book so kept shall be at all times open to the inspection and examination of the Trustees and any others interested in the doings of the Board.

(2.) The Treasurer is required [*Sec.* 56] to indite and keep in his possession the township (school) records, and is also the legal custodian of all papers and documents belonging to the township. These records shall be kept in three volumes, the first book to be called the "Cash Book;" the second, the "Loan Book;" the third, the "Record." In the Cash Book shall be kept a debit and credit account of all moneys (properly separated and classified) received and paid out by him. In the Loan Book shall be kept an account of moneys loaned by him, and returned to him, noting particularly the *kind* of money loaned, the amounts, the parties to whom loaned, the time, rate of interest, &c. In the Record shall be entered a particular description of all notes, bonds, or other evidences of indebtedness which he may hold, or which may from time to time come into his possession. At each semi-annual meeting of the Board of Trustees, (and oftener, if required,) it is the duty of the Treasurer [*Sec.* 38, 63] to lay before the Trustees a statement of the business of his office, and to submit to their inspection and examination all books, papers, etc., pertaining to his office, and to give such other full and detailed account of his official conduct as may be demanded.

(3.) It is the duty of the Treasurer (as agent of the Trustees) to collect and forward annually to the School Commissioner, at such times as may be required by the State Superintendent, all the school statistics of his township, embodying the whole in a full and plain report, as prescribed in *Section* 36 of the School Law.

(4.) The Treasurer is the custodian of all township funds belonging to the schools of his township, and is required to hold and use them as directed by law. He is the agent of the town-

ship (corporately represented by its Board of Trustees) for the management of all its fiscal affairs, so far as its school interests are involved. As such, he is authorized to loan the township funds, upon terms and conditions prescribed in *Section* 57. It is the duty of the Treasurer, before entrusting any portion of the township money to one desiring or proposing to borrow, to assure himself perfectly by cautious inquiry and examination, of the responsibility of the applicant, to search into and scrutinize the character of the proposed personal securities, and to determine satisfactorily, by an appeal to the assessor's record, or otherwise, the condition and value of the real estate offered in mortgage, and to decline any negotiation with parties unless he is thoroughly satisfied that the interests of the township may be secured against loss. When perfectly satisfied of the safety of the investment, he should require the securities to be executed, according to the provisions of *Section* 57, 58.

An amendment with reference to the rate of interest governing school-money loans, and which was intended to define precisely the meaning of the Law relating to that subject, was proposed during the meeting of the last Legislature, and but for the sudden and unexpected adjournment of that body, would have been passed. The amendment referred to was explanatory of the 57*th* *Section*, appointing the rate of interest specified in that *Section* as the maximum per cent., and expressed in words the discretion which it was thought to be the intention of the Law to confer. I re-publish a portion of a Circular, issued from this Department on that subject, soon after the adjournment of the Legislature:

The necessity for the change proposed was found in the fact that the Law, always construed with the utmost strictness by school officers upon this subject, seemed to deny the right to loan school-funds at any other rate of interest than ten per cent. Correctly understood, it is believed that the Law does not deny that right, but in specifying a rate per cent., as found in *Section* 57, it is only intended to fix the maximum per cent., and not an unvarying figure from which no deviation will be indulged. Otherwise the very object of the Law would, in many cases, be defeated, since it might not always be possible to loan moneys at the maximum rate. Every consideration of prudence and sound policy would urge upon the Legislature the necessity of providing for the perpetual productiveness of the school fund, and it would be a policy as short-sighted as ruinous which would operate prohibitively upon school-loans, and render so large an

amount of capital useless and unproductive in the hands of school officers.

Let us look at the facts a moment. The total principal of the township school-fund of this State amounts to, say, in round numbers $4,000,000. The interest accruing from this fund constitutes a part of the distributive school-moneys of the State, and is used, as far so it may avail for such purposes, to support our common schools. Hitherto the rate of interest which our school-capital has commanded has been ten per cent.; so that the annual interest-fund accruing from the loan of township moneys, and upon which our common schools have partly depended for support, has amounted to $400,000. A sum so considerable as this, it must be apparent, is so material a dependence that its withdrawal from the distributive fund of the State must be attended with very serious embarrassment to the schools, and result in many cases in the material shortening of the school-term, and in other cases in the entire suspension of the schools. And yet, if it be contended that the Law requires that *all loans shall be made at ten per cent., and ten per cent. only*, the practical effect of such an interpretation *is to withdraw from the distributive fund an amount equal to the interest accruing upon such loans at the established rate per cent.* This effect will follow, because township Treasurers are unable *now* to find borrowers of the school-fund at ten per cent. interest, and without an opportunity for investment the funds must lie idle and unproductive upon their hands.

It seems unnecessary to refer to the causes which have produced this state of things. The unprecedented expansion of our currency, resulting from the late enormous issues of United States Treasury notes is the immediate cause. There is now in the country a superabundance of money capital, and investments are eagerly sought at rates of interest ranging from six to eight per cent. The latter figure, or a lesser one, it may be, will constitute the maximum rate per cent. on loans for years to come; and under such circumstances it is simply impossible to find investments for funds at ten per cent., and that, too, under the more rigid conditions of the School Law, by which borrowers are tied down to an accountability not only most strict, but often most inconvenient. If it be held that the Law forbids (which cannot be maintained) the loaning of the school-fund at any other rate than ten per cent., then all the school-moneys found in the hands of township treasurers, amounting in all to nearly $4,000,000, are resolved, by the invincible necessities of the times, into a dead and unproductive capital, and our common schools are to be deprived of the material succor which the interest on that amount would afford them.

The School Law requires that "the Treasurer SHALL loan all moneys which may come into his hands by virtue of his office." The section is not *advisory*, but *mandatory*. "The rate of in-

terest shall be ten per centum." *The Law commands that to be done, which, under present circumstances, can not be done,* if Treasurers be allowed no discretion. That the Law intends this will not be presumed. What the law contemplates is simply this: that the school fund be rendered as *largely productive* and as *perpetually productive* as possible; and that when vested (which is peremptorily required, that the fund may incessantly yield its annual profits) it shall be at the highest current rate of interest, not at a rate *higher* than the *highest*, which would preclude investment at all, and defeat the evident intention of the Law. In 1857, when a rate of interest was established, the standard rate per cent. was that which is now expressed in the Law, and capital found ready borrowers, and has, until recently, at ten per cent. If, when the School Law was passed, the standard rate of interest had been eight per cent. instead of ten, then eight per cent. would have been the maximum rate prescribed in the Law. And so of any other rate of interest which might be supposed. In short, it was unquestionably the intention of the Law to provide for the increase of the school-fund from year to year, by commanding its investment at such a rate per cent. as would yield the largest revenue for school purposes.

Believing that I have correctly conceived and expressed *the intention of the Legislature in directing the loaning of the school-fund,* and that it is the purpose of the Law to provide for its *largest productiveness by perpetual investment,* and being convinced that without some immediate official interposition for the protection of this great interest, the Common Schools of our State must suffer a serious, if not an irreparable injury, I have determined to recommend to school Trustees, whenever in their judgment it is clearly necessary, to authorize the Treasurers of their townships respectively to loan the school-moneys of the township at any rate per cent., not less than six, which they may determine. I feel justified in recommending this expedient, for several reasons:

1. It is the duty of the State Superintendent to provide, by such means "as he may think necessary and expedient," for carrying into "full effect the provisions of this Act," and to "explain, interpret, and determine, the *true intent* and meaning" thereof. I have accordingly stated indisputably the true intent and meaning of the Law, which is that the township school-fund be rendered perpetually productive by permanent investment as a loan, at the highest current rates of interest.

2. The recommendation does not involve a violation of *Section* 57, nor affect in any way the general integrity of the School Law, but is simply explanatory of its *intent and meaning.* The views herein expressed are confirmed by others whose opinions are entitled to consideration, and I am assured by high judicial authority that the course of action here recommended will be sustained by the courts.

3. Universally approved as the recommendation must be, the provisional remedy here suggested is not likely to lead to any actual dissatisfaction before the meeting of the next Legislature, at which time the present ambiguity of the law can be removed, and its true meaning more precisely defined.

Township Treasurers are not authorized to loan funds for less than six months, nor more than five years. For all loans of one hundred dollars or less, for one year or less, approved personal securities shall be taken; for all loans exceeding one hundred dollars, or for all sums loaned for more than one year, real estate securities shall be required, duly executed in the form of mortgage, the real estate so mortgaged being unincumbered, and in value equal to double the amount of money loaned. Additional security may be required, when deemed necessary. "A mortgage upon real estate, which has been recorded, does not lose its lien or priority, by failing to foreclose when it becomes due. It retains its lien until the debt becomes barred by the statute of limitation."

Treasurers are required to exercise a careful and constant vigilance over the amounts loaned by them and outstanding, and to make prompt collections of interest as it falls due. Authority is conferred upon Treasurers [*Sec.* 61] to institute legal proceedings against borrowers of the township school funds in cases where interest is due and unpaid, and under this authority payment may be enforced against defaulting parties after the interest has become due. This law makes it the duty of the Treasurer to proceed to the collection of all claims due the township, after they shall have matured; and if, in consequence of neglect, any loss accrues to the township, he (with his securities) becomes liable upon his official bond. If, however, the delay to collect, as authorized by *Section* 61, be occasioned by an order of the Board of Trustees, (who it would seem have power to control the action of the Treasurer in the premises,) duly passed and entered upon their record, and in consequence of such delay or failure to collect, loss accrues to the township, then in that case, the Trustees are liable and not the Treasurer. All that is required by the law of *Section* 61 is, that the Treasurer be so watchful and active with reference to claims due the township that no loss may be sustained by the delinquencies of borrowers. A sound judgment should be exercised, and extreme measures only resorted

to when they are really necessary to protect the township against loss.

By *Section* 61, interest at the rate of 12 per cent. may be charged and enforced at law against parties borrowing school funds, upon default of payment of *principal* when the principal becomes due, said increased rate of interest to be charged from the date of default. "Two classes of cases are embraced by this Act; one, where *interest* is due and unpaid; the other, where *principal* is due and payable. In the former case, the amount of *unpaid interest* bears interest at the rate of twelve per cent. per annum, and it may be sued for and recovered in a separate action. In the latter case, the principal bears interest at the rate of twelve per cent. per annum from the time *it* falls due. The provisions of this Act do not apply to the principal when the debtor is in no fault respecting it. It is only when the *principal* is due and payable that the rate of interest upon it is increased. A different construction of the Law could render it highly penal in its character. If twelve per cent. interest was to be charged upon the *principal* on every failure to make a payment of *interest*, it would operate very severely upon the debtor. Loans may be made for five years, and the penalty for failing to pay a few installments of interest might exceed the principal debt. Such a construction ought not to be put upon the Law, unless it manifestly appears that it was the design of the Legislature."—*Ill. Rep. vol. xiv, p.* 371. The doctrine of the 61*st Section* is, then, that all *interest* accruing after it is due and payable bears interest at the rate of twelve per cent. till paid; and that *principal*, after it is due and payable, bears interest at the rate of twelve per cent. till paid, said rate being collectible by law. In cases arising at law, and decided under this *Section*, the interest as aforesaid will be included in the judgment, and collected accordingly.

Trespassers upon common school lands are liable to be indicted and fined for every act of trespass committed by them, [*Sec.* 82] and all fines and penalties so assessed and collected under this clause, are payable to the Treasurer of the township in which such action is had, the Law providing that the amounts so collected shall be added to the principal of the township school fund.

Township Treasurers or Trustees cannot borrow the school funds belonging to their own townships.

The Districts.—The Treasurer is the legal custodian and dis-

bursing agent of the several districts in his township. The amount of money apportioned to each district from the distributive fund by the Trustees at the regular semi-annual meetings of the Board, is paid over by the Trustees into the hands of the township Treasurer for the use and benefit of, and subject to the order of the Directors of said district. In like manner, moneys raised by special district taxation, or from the sale of district property, are confided to the Treasurer for safe keeping, and are to be paid out upon the order of the Directors of the districts respectively to which such funds belong. School Directors cannot withdraw the moneys belonging to their district from the hands of the township Treasurer, and place them in the custody of another person whom they may appoint as District Treasurer.

Orders drawn upon Treasurer for District funds by Directors must be legally accurate and specific, or they may not receive attention from the Treasurer. The order, when paid, is filed by the Treasurer, and is of the nature of a voucher, and must hence be specific and correct.

An order, to be legal, must be signed [*Sec.* 67] by a majority of the Board of Directors, or by the president and clerk of said Board.

An order to be legal, must state specifically the object and purpose for which it is drawn. "And in all such orders shall be stated the purpose for which and on what account drawn." [*Sec.* 67.]

A Treasurer has no right to go behind an order, to inquire into the propriety of its issue, or the correctness of its amount. If it be drawn in legal form, and for a legal purpose, and he have money in his hands *devoted to the purpose for which the order is drawn*, he should promptly pay it, without delay or objection, upon presentation by the rightful holder. If he have no moneys in his hands belonging to the district issuing the order, that cause of failure to pay the sum ordered should be immediately reported to the Directors. If the Treasurer suspect that the claim for which the order is drawn is a fraudulent one, he may advise the Directors accordingly, but if the order be re-presented and its payment urged, it is his duty to pay it, taking receipt and filing it with the order, which will legally protect him from consequences. No responsibility can in such case attach to the Treas-

urer, but the whole responsibility will devolve upon the Directors. It is to be borne in mind that the *moneys belong to the district and not to the Treasurer*, who is simply the keeper and holder of the moneys, and is the official agent of the Directors to pay them out as the Directors may order. But the Treasurer should not permit the *misapplication of moneys in his hands*, even on the order of the Directors. If, for instance, he has in his hands special funds which have been raised *to purchase school sites*, or to *build a school-house*, he should not pay out *such moneys* on an order to *pay a Teacher*, though ordered to do so by the Directors, for the reason that such order would be illegal. In such case, if there should be no apportioned funds or special school-tax money in his hands, he should decline to pay money on the order at all, reporting his refusal to the Directors, with the cause of it.

Whenever any district has a *balance left in the hands of the Treasurer, after its schedules have been paid*, the Directors thereof may draw an order at any time for such funds, and the Treasurer should pay it. "The equity and reasonableness of this view must be as apparent as its legality; for, if there are funds in the Treasurer's hands belonging *exclusively to a given District*, it is difficult to see why the Directors of that district should be required to wait until the semi-annual apportionment before they can have the use of them; for such funds do not enter at all into the general township apportionment, nor have the other Districts of the township any interest or claim whatever in such funds." Treasurers should not pay such order unless it be specified in the order that the moneys applied for are to be used for legitimate school purposes.

A Treasurer may not be justified in rejecting an order for money made payable to a member of the Board of Directors. *Section* 42 does indeed provide that a Director shall not be interested in any contract made by the Board of which he is a member. Still, a district may become legally and justly indebted to a Director, and the claim of said Director may in no wise conflict with the letter or spirit of that *Section*. In such a case, the order drawn in his favor would be as clearly legitimate as if drawn in favor of any other person, and should of course be paid as readily. Such an order should be signed *only* by the *other two* Directors, in favor of the Director to whom the order is issued.

The Treasurer should not pay orders presented to him from

Directors, unless the moneys demanded are *actually due.* The Treasurer should not suffer moneys to go out of his hands unless they are to be expended in payment of obligations *already existing and matured.* "If Directors can draw funds from the Treasurer *to be* expended for articles not yet purchased, however useful and necessary those articles may be; or for contracts or parts of contracts *to be* executed, however legal those contracts may be; or for services *to be* rendered, however legitimate those services may be; it *in effect* authorizes them, should occasion require, to withdraw *all* the funds from the township Treasurer, and to become, temporarily at least, themselves the custodians of those funds instead of the township Treasurer.

"This would be in conflict with the manifest intention of the legislature in constituting the township *Treasurer* the only legal depository and custodian of all unexpended township and district funds, and requiring *him alone* to give bond for their safe keeping, [*Sec.* 55.]

"It would enable the directors to do indirectly what they cannot do directly, which is contrary to a familiar principle governing the construction of statutes. The directors have no authority to claim or to assume the *custody* of district funds, for any time, however brief, nor for any purpose, however honest and legitimate. They cannot appoint a local district treasurer (except in cities and incorporated towns, under special acts) and transfer their funds to his hands. They give no bond, and are, therefore, in a legal sense, wholly irresponsible. The funds are subject to their order, and may be drawn by them in payment of debts legally contracted and due. This would seem to be all that is necessary, and it is believed to be all that is intended and authorized.

"And if the Treasurer would not be authorized to pay such orders when drawn by the Directors in their own favor, much less would he be justified in doing so when such orders are drawn in favor of others. If prudence requires that not even *Directors* should be allowed to receive any part of the funds in advance of actual indebtedness, still stronger reasons would forbid that *others* should be allowed to do so.

"Any other practice than that here recommended would be fraught with danger to the funds, misunderstanding, and difficulty; or if these evils should not ensue, it would be because

favoring circumstances prevented an erroneous principle from producing its legitimate results. The purchase of the articles, or the letting and execution of the contract for which the funds were drawn, might be delayed, indefinitely deferred, or abandoned altogether. In the meantime the money, for one reason or another, is not returned to the Treasurer; perhaps it is converted to private use; or it may be, as it has been, loaned or lost. Once admit that funds may be drawn to meet *anticipated* debts, and the Treasurer would have no security against fictitious orders. It is true, the Law presumes that its agents are honest, but Treasurers are not bound to pay orders known to be wrong.

"A fair interpretation of the Act, as well as the plainest considerations of prudence, would therefore seem to indicate that orders should not be paid unless drawn in favor of *bona fide* creditors of the Board, and in payment of *debts actually due*."

Schedules, when completed and properly certified to by the Teacher and the Directors, are to be filed [*Sec.* 53] with the township Treasurer, and in default of such return of schedule, Directors cannot legally draw an order for the payment of money thereon, nor can a Treasurer pay out money thereon to the Teacher of the school for which said schedule was kept. Schedules must be filed at least two days before the regular semi-annual meeting of the Trustees.

Schedules must be in prescribed form, or they may be rejected by the Treasurer. Neither the Treasurer nor the Trustees are authorized to amend, alter, or correct a schedule. The presumption is, that the material facts set forth in the schedule and in the appended certificates are correct, and that the schedule is justly entitled to the amount certified to be due. If it be *known* by the Treasurer that any statements contained in the schedule are *not true*, that officer is not authorized to make correction of the instrument, but he may remand it to the Directors for such purpose, who alone are authorized to correct the schedule. All corrections (when any are needed) should be made by the Directors *before* the schedule is filed with the Treasurer. But it may happen that some error of form or statement may escape the attention of the Directors, and so a schedule may come into the hands of the Treasurer which is technically faulty. There may be no *legal obligation* requiring the Treasurer in such a case to *receive* such a schedule, or to *return* it for correction, but there *is*

an obligation in equity and charity to return it to the Directors, and no advantage should be taken of such a circumstance to prejudice the interests of a district or a Teacher. "The schedules of all schools taught during the six months beginning with the first of April in any year must be certified by the Directors and delivered to the Treasurer in time for the Trustees to act upon them at their meeting the first Monday of October following, or said schedules may be rejected. And the schedules of all schools taught during the six months beginning with the first of October in any year must be certified by the Directors and delivered to the Treasurer in time for the Trustees to act upon them at their meeting on the first Monday of April following, or said schedules may be rejected."

Tax-moneys collected by county or township collectors for the benefit of the districts are payable to the Treasurer, [*Sec.* 45] upon his presentation to said collector of the certificate of the County Clerk, two per cent. of such taxes collected being retained as commission by the collector thereof. The amounts of tax-moneys so received by the Treasurer are to be registered to the credit of the districts respectively, and paid out on the order of the Directors. Collectors are not bound to pay over to township Treasurers the full amount of the taxes certified to be due, *without reference to the delinquent taxes* reported. The *45th Section* of the Law says: "The said County Clerk shall cause each person's tax so computed to be set upon the tax book, to be delivered to the collector for that year, in a separate column, against each tax payer's name, or parcel of taxable property, as it appears in said collector's book, to be collected in the same manner, and at the same time, and by the same persons, as state and county taxes are collected." Under the revenue law, collectors are entitled to certain abatements for delinquent taxes; and since school taxes are to be collected in the same manner, &c., as state and county taxes are collected, it is held that collectors are entitled to the same abatements on account of delinquents in the collection of school taxes that are allowed them under the revenue laws for collecting state and county taxes.

Compensation of Treasurer.—The Treasurer is allowed two per cent. upon all sums of money paid out or loaned by him, [*Sec.* 72] and is entitled to fifty cents as a fee for each and every mort-

gage taken by him as security for money loaned [*Sec.* 58.] The Treasurer is also entitled to compensation for services rendered as clerk of Board of Trustees, as provided in *Section* 72.

The two per cent. of the distributive fund which is set apart to the township Treasurer, [*Sec.* 34] is the compensation which is allowed that officer under the Law, as the disbursing agent of the Board of Trustees. It is simply an appropriation of money *in advance* as compensation to an officer for services *to be performed.* The performance of the services required is the condition precedent to the use and benefit of the appropriation, and by every rule of law and equity, the money so appropriated is due only to the person or officer rendering the service, since the rendition of the service is the very consideration for which the money is set apart.

It has happened that immediately after the apportionment to the Treasurer of two per cent., as provided in *Section* 34, that officer has resigned, and another has been appointed in his place. The question has then arisen, which of the two is entitled to the two per cent. commission, as both were claimants. *Both* cannot receive two per cent. of the amount to be disbursed, since the Law contemplates that *two per cent. only* of the funds apportioned shall be paid as commission to the disbursing officer. If the two per cent. so set apart is in compensation for the service of paying out the moneys apportioned, then it is rightfully due to the individual who actually performs the service. The newly-appointed, and not the retiring officer, should then have the benefit of the appropriation.

The subject will be clear, if it be considered that the appropriation is made to the *office* for the benefit of the incumbent. If, then, the office be filled by one person for a time, he would be entitled to the benefit of the appropriation during the time of his incumbency, said benefit being two per cent. of all moneys *paid out by him.* But if he retires, and gives place to another, for any cause, he can not carry with him a right to the future use and benefit of moneys appropriated to the office, because these pertain not to the *individual* but to the *office* only, and would inure to the benefit of the succeeding incumbent.

Treasurers are exempt from road labor, serving on juries, and state militia service.

DISTRICT SCHOOL DIRECTORS.

ELECTION.

Elections for School Directors are held annually, the election occurring [*Sec.* 42] on the first Monday in August of each year, at which time (after the first election) one Director is elected, who is entitled to hold his office for three years, and until his successor is elected. In new districts, the first election may be held on any Monday, (notice being given by the township Treasurer,) at which time three Directors are elected, who shall, at their first meeting, draw lots for their respective terms of office, for one, two, and three years. Notices of all elections for Directors (after the first) shall be given by the Directors, at least ten days previous to the day of election. Said notices (written or printed) shall be posted up in at least three of the most public places in the district, and shall specify the purpose for which the election is to be held, the place of voting, and the time of opening and closing the polls. At the first election in any district, the legal voters present shall choose two of their number to act as judges, and one as clerk of said election. In organized districts, having a Board of Directors, two of said Board shall act as judges, and one as clerk of the election; but if said Directors fail to attend, or refuse to act, then judges and a clerk may be chosen from the legal voters present. "If, upon the day appointed for the election, the judges shall be of opinion, that, on account of the small attendance of voters, the public good requires it, or if the voters present, or a majority of them, shall desire it, they shall postpone said election until the next Monday, at the same place and hour, when the voters shall proceed as if it were not an adjourned meeting." In case the Directors fail to give legal notice of the election at the time fixed by Law, then the election may be held on the third Monday of August, or any Monday following, due notice being given of time and place. In case of a tie, the election is to be decided by lot. Vacancies in the Board are to be filled by special election, held on any Monday, notice being given according to *Section* 42. The poll book, properly certified by

the judges, shall be delivered to, and filed by the township Treasurer.

By a provision of *Section* 42, the Directors elected in new districts are required to draw lots for the purpose of determining their respective terms of office. This duty should *in all cases* be attended to at the *first meeting* held after the election. In some instances this has been entirely neglected, and difficulty has afterward arisen in consequence of the unwillingness of either of the Directors to retire upon the recurrence of the regular election. The Board of Directors first elected should place itself under the Law regularly and promptly, by complying with the provision in *Section* 42, regulating the terms of office, and drawing lots at *their first meeting*, as required. The officer drawing the shortest term is entitled to hold his office until the *next* regular election;—the one drawing the next shortest, will hold office until the time of the *second* regular election thereafter;—the one drawing the longest term will continue in office until the *third* regular election thereafter.

For certain causes, district elections may be adjourned or postponed, if deemed expedient by the judges or a majority of legal voters present. The authority to adjourn or postpone an election may be exercised, *first*, on account of the small attendance of voters; *second*, when the legal notices have not been given. The attendance at district elections is frequently so meagre, and so few of the legal voters of the district are present to take part in the important business of the election, that the "public good" absolutely requires a postponement. This failure to attend district elections may be attributable to various causes, but it is feared that the principal cause is to be found in the too general indifference of our people to their common school interests. To obviate the evil of non-attendance of voters at district elections, it has been suggested that if the Law were amended so as to fix our school elections upon the same day that the regular state and county elections are held, a full attendance of the voters would be secured. It is not doubted that such would be the result of the change suggested, but it *is* doubted whether the evil sought to be remedied would not be followed by still greater evils, resulting from *political excitements and strifes*. It is believed that our present policy is the better one, and it is hoped that the increasing interest of our people in the cause of education and

common schools will soon remove all cause of complaint on the account referred to. In default of legal notice, the election may be ordered two weeks later, or may be held on any following Monday, as adjudged most expedient, due and timely notice being given. This provision is simply remedial, and is intended to secure to districts the rights and privileges of election in cases where, from unavoidable contingencies, the regular time of election has come and passed without the holding of the election on the day first fixed by Law. It is *not* intended to abate the duty of Directors to order the election on the first Monday of August, and should not so be taken advantage of.

If it should happen in the case of any district, that *no election* is held for Director during the year, the consequence would be, that the Director who would have retired had an election been held, *holds over until the next regular election.* At *that* time, *two Directors* should be elected—*one* for *two years* to fill the place of him who holds over—the *other* for *three years* to fill the place of him whose term of office will then *regularly* expire. The Director so continuing in office, holds his place only by a *contingent tenure*, resulting from the default to hold election, and cannot avail himself of such contingency to hold on in the office for *three years.* The *error* should be rectified at the *earliest* moment, which is at the *next regular election.* The first Director *then* chosen and who shall be elected to fill the place of the one holding over can only serve *two years*, because the *legal term* is but for *three years*, and *one year* of such term has already expired. The second Director then elected will serve *three years.* Only by this method can the regular order of succession be preserved.

It is not required in elections for Directors that candidates shall receive a *majority* of all the votes cast to secure their election—a *plurality* of votes is sufficient. To obtain a *majority*, a candidate must receive more than one-half of all the votes cast; to obtain a *plurality*, he must receive more than any other candidate, though the number of votes so received may be less than one-half of all the votes cast. Suppose that three candidates who are voted for, for the office of Director, receive votes as follows: A receives 12 votes; B receives 10 votes; and C 6 votes. A would be elected to the office, having received *more votes* than either of the opposing candidates. In all district elections, held for *any other purpose* than the election of Directors, a *majority*

of the votes must be obtained for the proposition voted on to carry it.

An election for Directors must be held on a *Monday*—district elections for other purposes may be held on another day of the week. It is not required that the polls be opened in the morning, and be kept open all day, at a district election. An election may be held in the afternoon or evening; but in such case the notice must distinctly state the time of opening and closing the polls, and ample time must be given for all to vote.

If the legal voters of a district assemble at the usual place of voting, and elect Directors *on the day fixed by law*, said election is valid, though no notices were posted. The Law invests the people with the *right* to hold the election on *that day*, and this right cannot be vitiated by any clerical error or neglect.

The time for holding district elections is *fixed by Law*, and elections should always be held at that time. But if an election is *actually held* on any other day than that fixed by Law, and the officers then elected proceed in good faith to discharge the duties of their office, their acts are held to be valid so far as third parties are concerned, until the validity of such election has been passed upon and determined.

Judges of district elections *may* be sworn, though it is not generally practiced, and is not held to be essential. The same remark will apply to the taking the oath of office by Directors.

A Director may resign his office at any time, by tendering his resignation to the Board of which he is a member. If applying for a resignation when not present with the Board, the application should be in *writing*; but if present, it may be made verbally. In either case, the action of the Board should be entered on the minutes by the clerk. If accepted, the resignation should not take effect till a successor shall have been elected.

If a Director cease to be a resident of the district, his office is thereby vacated even if no resignation be offered, and the fact being known, an election should be immediately ordered to fill the vacancy. Long absence from the district, as when a Director enters the army, is held to be equivalent to a resignation, and another Director should be elected.

Two Directors may transact business. Even if the Board be reduced to one member, he can legally take steps to fill the Board,

but no official business should be transacted by one member—his first duty is to provide for filling the existing vacancies.

To be eligible to the office of Director, it is required of a person that he be a citizen of the United States, and a resident of the district. A person cannot be at the same time a Director and a Trustee, nor can a Director teach a school in the employment of the Board of which he is a member.

DUTIES AND POWERS.

Body Corporate.—The Board of Directors of each district is a body politic and corporate, and as such are invested in law with certain rights and powers, and are subject to certain liabilities, which are defined in the Law. The Board shall be organized by appointing one of their number president, and another clerk. The Board shall provide a suitable book in which to keep a record of its official acts. Said record shall be kept [*Sec.* 42] by the clerk of the Board, in a neat, orderly and reliable manner, and may be paid for out of any unappropriated funds belonging to the district. It is the duty of the clerk of the Board of Directors to submit the record kept by him to the inspection of the township Treasurer on the first Mondays of April and October, and oftener if required. Meetings of the Board may be held as often as necessary, and no act of the Directors can be considered as of legal validity and effect unless it be passed at a meeting of the Board, and is duly and officially recorded.

The Directors have power as a corporation, to negotiate for the purchase of school sites, [*Sec.* 47] and for the building of school houses. For this purpose they may, when authorized by a majority vote of the inhabitants of the district, borrow money and issue bonds for the payment thereof in sums of not less than one hundred dollars. They are not authorized to borrow an amount in any one year exceeding three per cent. of the taxable property of the district, nor to levy a tax in any one year (when voted by the people for the purpose of building) to exceed two per cent. of the taxable property of the district. It is held that Directors may proceed and erect a school house at any cost which a majority of the people may approve, and levy a tax each following year not exceeding two per cent. of the taxable property of the district until the debt is discharged. The action of the Directors in such a case is predicated upon a vote of the majority that a

school house shall be built—that it shall cost a specified sum—that a tax (not exceeding two per cent. of the taxable property of the district) shall be levied annually until the debt contracted shall be paid. The action of the Board, as stated, is binding upon its successors, and no additional vote of the people upon the subjects acted upon is required.

As a body politic and corporate, the Board is of perpetual existence, and all the rights, privileges and powers of Directors, as well as their duties and liabilities, are transferred to their successors; hence, all the legal obligations and contracts by which the present members of the Board are bound, will be binding upon their corporate successors. Directors are *corporately* liable for all debts contracted by the Board, but not *individually*. Their private property cannot be taken in satisfaction of any judgment obtained against them in their corporate name and capacity. Directors are, however, personally responsible for the consequences of acts performed by them which are unauthorized by law.

Schools.—Directors are required [*Sec.* 48] to establish and keep in operation for at least six months during each school year, a sufficient number of free schools for all the resident children of the district of lawful school-going age, *i. e.*, between five and twenty-one years. The *number* of schools which it is the duty of the Directors to establish in any district is not fixed by law in any more definite terms than those contained in *Section* 48. There must be a "sufficient number *for all the children in the district*, over the age of five and under twenty-one years." The number of schools which it may be necessary to establish in any district, must be determined by the number of children in the district of lawful school age, and from the opinions and experience of those who have had the management of schools. It is known that *one teacher* can not govern and teach successfully more than fifty pupils in daily attendance in a *mixed school*, such as is usually taught in our country districts, and even this number is too large. In a district, therefore, containing a larger number of children than fifty, who are accustomed to attend school, it is the duty of Directors to provide additional accommodations for the school-going children of their district, by the establishment of another school or schools, as necessary. The establishment of a sufficient number of schools

for the wants of the children in any district is not left to the discretion of the Directors—it is a matter of *express and imperative obligation.*

The schools shall be kept in operation at least six months during each school year. This is the minimum term of school as prescribed in the Law, and a compliance with this demand of the Law is the condition precedent to any participation in the benefit of the public school money. The children of the State are entitled, by the Law, to instruction in the public schools for six months during each school year. The duty to provide that instruction is obligatory upon the Directors. The annual school term cannot be shortened—"*at least* six months," is the language of the Law. The time during which schools are *required* to be kept during each year need not be one unbroken, continuous school term. It may be divided into separate terms. A school of three months in the winter, and three months in the summer, or any different number of months, so that the school be taught six months. Kept in the same district, and for the benefit of the same children, by the same teacher, or by different teachers of approved qualifications, will satisfy the Law. Schools may be continued for a *longer term* than six months, at the discretion of the Directors, (without consulting the people,) when those officers have means on hand to defray the expenses of the school so continued. But if the means to continue the school beyond six months are to be raised by taxation, then the question of extending the school term must be submitted [*Sec.* 48] to a vote of the people of the district. The matter to be voted on, when it is proposed to extend the term of school, is simply, "shall a school be kept for so many months?"—the rate of taxation to defray the expenses of said school is a matter with which the people have nothing to do, it being left exclusively to the Directors.

Directors are authorized to adopt all necessary rules and regulations for the government and management of the schools in their districts. Specifically, the power thus vested in Directors relates to:—

First—*Admission of pupils to School.*—No child is admissible under five years of age. If the minimum age had been six, it would have been better. Care should be taken to exclude all under five. Children of less age than five will receive no benefit in an educational point of view by attending school. A proper regard for

their health, also, requires their exclusion from school at so tender an age. Persons over twenty-one years of age cannot of legal right claim admission to school. There may be cases in which adults would profit by attending district schools, and cases, also, in which the schools themselves would be benefited by their attendance. It is held that Directors have a discretion upon the subject of the admission to schools of persons over twenty-one years of age, and where the admission of such persons will not interrupt the harmony of the school, or deprive others who are legally entitled to attend school of such privilege, Directors may admit them, charging and collecting tuition, as is done in the case of pupils attending private schools. Children who reside without the limits of the district are not of legal right entitled to attend school. Provision is made [*Sec.* 35] for the admission of non-resident pupils upon the consent of the Directors of the district in which they reside, and the permission of the Directors of the school where they may wish to attend. Non-resident pupils should not be admitted, unless there be vacant places in the school for their accommodation, as it would be unjust to deprive a pupil who is lawfully entitled to school privileges in a certain district, of his seat in the school, to make room for one applying for admission from a foreign district. All children over five and under twenty-one years of age, who are residents of the district, are entitled to attend school, and Directors cannot lawfully refuse any such a seat in the school-room.

Second.—*Attendance at School.*—Directors may enact rules and regulations to encourage the attendance at school of all the children in their district, of proper age, and they should use diligent effort to secure the attendance of every resident child in the district. It is the design and purpose of the Law, to extend the benefits of our common school system *to all the children of the State*, not otherwise instructed. Though a *good school* were established in *every neighborhood* in the State, its whole benefit would be lost to those who never attend, and but partially enjoyed by those who attend irregularly. The number of each of these classes throughout the State—non-attendants and irregular attendants—is very large. So far as non-attendants are concerned, the entire outlay of means and effort on the part of the State for the good of her children, is lost—so far as the irregular attendants are concerned, the expenditure is unavailing to the precise extent

that the delinquents absent themselves from school. It has been proven by innumerable statistics, that the education of youth costs the State far less than the maintenance of judicial systems and prisons for the punishment of vices and crimes which are the inevitable offspring of ignorance and idleness. We must bear the lighter burden of educating our children, or groan under the crushing burden of taxation for the maintenance of penal systems, established for the suppression and punishment of crime. Directors, then, cannot fulfill their whole duty without using diligent effort to induce the regular attendance at school of all the children of their district. Bare rules are not sufficient. *Effort* must be made to *gather the children in.* I do not refer, in this, to compulsory attendance. I only desire to impress upon the minds of Directors, who are the chosen curators of all our local school interests, the importance of a solicitous and diligent effort to induce the *voluntary attendance* at school of all the children of the State. For absences and tardiness of children, penal rules may be enacted, such as in the judgment of Directors will operate justly, and will have a tendency to obviate the evils of irregular and unpunctual attendance.

THIRD.—*Deportment of pupils.*—Directors may enact general rules for the purpose of securing good conduct and orderly deportment on the part of children attending school. Detailed rules for the regulation of behavior in the school-room may be left to the Teacher, if it be thought necessary to make rules *in detail* for such purpose. Experience has shown, however, that the enactment of a code of multitudinous and specific rules by the Teacher, is oftener a source of confusion and embarrassment than of positive advantage. Rules prescribed by Directors for regulating the deportment of children attending school should be of a general character, and should have reference to their own ultimate responsibility *after* the discipline of the Teacher has been exhausted. Thus, the habits and behavior of a pupil may be so corrupting that his separation from the school is demanded for the preservation of its order and its morals. In such a case, the Teacher should report the facts to the Directors, who may enforce the rule of expulsion or suspension. So, also, the privilege of re-instation in the school, after suspension, or voluntary withdrawal for a fancied grievance, will depend upon the action of the Directors, according to the rules which they may have adopted

applicable to such a state of facts. The rules referred to may also have reference to the conduct of pupils toward the school house and grounds, and may restrain pupils from committing trespass upon the building and premises.

Fourth.—*Studies in Schools.*—Directors may prescribe what branches shall be taught. It is the intention of the Law that all the children of the State shall be so educated at the public expense as to fit them for the various common occupations of life. Education up to that point is impartial and just, as it confers equal benefits upon all, and gives undue advantages to none; it is needful and right, for it gives to each that intellectual and moral preparation for the fulfillment of future duties, which as a member of society and a citizen, every one is obliged to perform. This authority conferred upon Directors entitles them to prescribe the course of study, (always including the several branches specified in the Law,) and the particular text-books which shall be used in each of the branches belonging to the course. It also entitles them to designate what charts, maps, apparatus, &c., shall be used in the school. It also entitles them to prescribe what grades and classes shall be formed in school, and what branches and books shall form the course of study in each, and what progress and proficiency shall be made in each grade or class as a condition of advancement to the same line of study in the next higher, and to refuse to allow of promotions on any other terms whatever.

Fifth.—*School Property.*—The school house and school premises are placed by law under the exclusive control and supervision of the Board of Directors. They are corporately responsible for the preservation and safe keeping of school property. They may make such rules as may be necessary for the preservation and protection of the house and premises from defacement, injury and abuse by the pupils.

Sixth.—*District Tax.*—Directors are authorized [*Sec.* 43] to levy a tax annually upon all the taxable property of the district, for the purpose of providing means to defray the expenses of a six months school, &c. Such a sum is required to be raised by district taxation as will be sufficient, *with the public money apportioned to the district,* to support a free school for six months. All the incidental expenses of the school are to be provided for by special taxation. The Law does not contemplate that such expenses shall be paid out of the common school fund. It is

consequently the duty of Directors to provide for such contingent expenses by means of a special tax. The expenses here referred to are those incurred for the purchase of furniture, fuel, libraries, apparatus, and all other necessaries. Where the public funds are *more than sufficient* for all the regular expenses of the school, it is held that the *surplus* may be applied for any legitimate school purpose that may be desired. It is the duty of the Directors [*Sec.* 44] to determine the rate of tax to be levied, and to certify and report said rate to the clerk of the County Court by the second Monday of September in each year. The rate of tax must be uniform, and if a district lie in two townships, the same rate will be collected from the taxable property of the inhabitants throughout the entire district. For a failure to perform this duty, (or any other required by Law) Directors are liable to the penalties prescribed in the 76*th Section* of the Act.

Seventh.—*Union Schools.*—Provision is made, in *Section* 35, for the establishment of Union Schools, by uniting two or more districts into one. The object contemplated by the Law in this provision, is the establishment of schools with graded departments, in which higher branches of study (in addition to the several branches specified in the 50*th Section*) shall be pursued by the pupils. It is desirable that such schools be organized wherever practicable. Their superior usefulness may be urged on many accounts, as for instance: First.—*Economy of means.*—The expense of tuition per scholar is much less than is required to procure the *same amount of instruction* in any select or private institution. The bounties derived from the State for the maintenance of graded schools go far toward defraying their expenses, so that the trifling balance required for their support is barely nominal, and is provided by means of general taxation so light and inconsiderable that the burden is scarcely felt. Second.—*Economy of labor.*—In the graded school, the principle of division of labor is recognized and practiced. The graded school is, in this respect, like the college or university, in which each professor confines his labor to a distinct and separate department. The efficiency and success of the Teacher are thus increased, as when a Teacher instructs in a single department and in a few branches only, he attains greater skill and aptness in his work than when his attention is divided and distracted by the rapid recurrence of many mixed recitations, involving the whole round of studies and classes common to a

mixed school. In the graded school, the classes are large, and composed of pupils of equal attainments, (or sufficiently so for practical purposes,) so that the Teacher can instruct fifteen or twenty pupils in a single class with as little labor and larger success than he can instruct a class of three or four in the mixed school. The pupils also, by the prospect of promotion, are stimulated to excellence, and apply themselves to study with a more constant and cheerful diligence. THIRD.—*Economy of time.*—It is unquestionably true that *years* may be saved to the pupil in the acquisition of learning by the advantages of a graded school. His advancement is secured in proportion to his *real improvement*, and is not hindered, as is commonly the case in ungraded schools, by the non-proficiency of class-mates who cannot or will not advance in their studies.

A Union District may be formed under either of the two following conditions: the existing and separate district organizations may be continued, or they may be merged into a single organization of Union School Directors. When organized under the first condition, the Directors of the Union District are first appointed by the joint action of the Boards of Directors of the original and separate districts, and the Union Board is perpetuated in the same way, the Directors [of the said Union District] drawing lots at the first meeting after their appointment for their respective terms of office, for one, two and three years. When organized under the second condition, (which is always recommended,) the separate Boards cease to exist, from and after the appointment of the Union Board. All the corporate rights, duties and powers of the separate Boards are thus legally conveyed to the new Union Board, which henceforth exercises whole and entire official jurisdiction as Directors over all the territory included in the Union District, being ever after elected by the people, as other Directors are elected.

When two or more districts are united and a Union District is formed, the Trustees will execute a map or plat of the same, designating its boundaries. This duty must be performed by the Trustees as soon as the act of union is reported to them.

The consolidation of districts, as provided for in *Section* 33, differs from the formation of a Union District in this, that the former is done by an act of the *Trustees*—the latter by the act of the separate *Boards of Directors*. The *object sought* in the

latter case is the establishment of a *graded school*—in the former case, such may or may not be the specific object.

In a few cases, it has been desired to *dissolve* the Union District, and restore the several parts to their original form and organizations. The Law does not specifically provide for such a contingency, yet clearly such action may be taken without contravening any principle of the Law. The precise mode of procedure must, in the absence of legal prescription, be determined by considerations of convenience and propriety. The most natural mode of proceeding where it is desired to dissolve a Union District would seem to be the following: If the original district Boards have been continued, and their separate organizations preserved, they should jointly agree and resolve to dissolve the Union District. Following such joint action of the district Boards, the Union Directors should immediately resign their place and office. The Trustees should then be notified of the action taken, when the map or plat of the District should be changed to correspond with the facts. In case the original district Boards have been disorganized and discontinued, the first step to be taken would be the resignation of the Union Directors, which act should be reported to the Trustees, together with the object contemplated by such resignation, viz.: the dissolution of the Union District. The Trustees may then restore the boundaries of the separate districts as originally existing, designating on the map their proper boundaries, and calling an election for Directors in each of the separated districts, authorizing the Treasurer to post the notices of said elections, according to Law. Immediately upon the election of separate Boards of Directors, the dissolution will be consummated, and the several districts may order their policy as if no union of districts had ever existed. It is hoped that no occasion will ever arise for the retrograde action here alluded to.

Teachers.—Directors are required [*See.* 48] to appoint all Teachers of Common Schools. The selection of Teachers is wholly entrusted to Directors, and there is no duty of those officers which involves a higher responsibility, or which requires, in its exercise, a sounder discretion or a more dispassionate judgment. The duty is that of assigning to the child a parent, for the time being, who is to mould its mind and its manners, and influence by his instruc-

tions and example, its whole future for good or evil, for happiness or misery. Before a Teacher can be employed by the Directors, he must exhibit to them [Sec. 52] a certificate of qualification from the School Commissioner, accrediting, *first*, his moral character, and *second*, his literary qualifications. If this provision of the Law is strictly attended to in the selection of Teachers, and particularly, if Directors will seek the services of those who hold the best certificates (first grade)—moral character being well established—they will escape imposition, and guarantee the purity and progress of their schools. It is a good rule to employ the same Teacher from year to year, if his standing in the profession is good, *and he has been successful in the school during former terms.* By such means, the risk of failure, which the employment of an unknown and untried Teacher always involves, will be escaped, and much valuable time saved to the pupils by enabling them to advance uninterruptedly in their studies, without the hindrance which is caused by a re-organization or a re-classification of the school, and the introduction of unfamiliar and perhaps inefficient methods of instruction and government. But a change of Teachers *should* be made when it has been discovered that the one last employed is unsuccessful. In such cases, prudent Directors will not hesitate to exchange even an old acquaintance for a stranger, provided the latter comes well and legally accredited. While it may be right and just to extend the preference to a *home Teacher*, when his claims to position are contested by a *stranger*,—on the supposition that they are possessed of nearly equal qualifications—it is *not* right or just to retain an *incompetent* Teacher to the exclusion of a thoroughly qualified and competent one, simply *because* the latter is a stranger, and the former is a fellow-inhabitant or a neighbor. If the body needs to be treated for disease, it would be a folly and a crime to entrust the life to the practice of an empiric who is a neighbor, merely because he *is* a neighbor, and refuse the services of a skillful and successful physician, who is of another town, merely because he *is* of another town. In the selection and employment of Teachers, let the same sensible policy prevail, as would be pursued in all other practical affairs of life. Directors should *never* be swerved from a right and useful policy by influences of *party*, of *church*, or of *family interest*. Our Educational policy deserves to be directed with an eye single to the *public good*, and must not be perverted from its right object

for political, sectarian, or selfish reasons. A Teacher can only be employed by a majority of the Board, and their action in the premises must be official, that is, it must transpire in a meeting of the Board, and must be duly recorded.

The power of Directors to contract with and employ Teachers is independent of the people, and cannot be controlled by them; though it should never be exercised in opposition to the known wishes of a majority of the inhabitants of the District, unless under very peculiar circumstances.

Directors are authorized [*Sec.* 48] to fix the salaries of Teachers. Written or printed contracts should *always* be used. Otherwise, unpleasant and irreconcilable difficulties may arise. This precaution should be strictly observed. A blank form of *Teacher's Contract* will be found in Part III. of this work. Refer to Index.

Power is given to Directors [*Sec.* 48] to dismiss Teachers for "incompetency, cruelty, negligence or immorality." For these causes, or either of them, Directors are authorized to dismiss Teachers from their service. The *fact* of incompetency, cruelty, negligence or immorality must be a matter of personal knowledge on the part of Directors, or it must be clearly and indisputably proved against the Teacher. If the fact becomes *known* to them, by visiting the school, or by otherwise acquainting themselves with the Teacher's shortcomings or offences, they will be justified in dismissing him *at once.* If the fact be not *known* to the Board, but charged by other parties, the case should be allowed a hearing, and if, after a thorough and impartial investigation it should be *proven* that the Teacher is obnoxious to the charges made, the Directors should then dismiss him. The dismissal of a Teacher requires the vote of a *majority* of the Board, as did his employment. The notice of dismissal should be in writing, and officially served upon the Teacher by the clerk or another member of the Board. Such a course is recommended, though the notice may be verbally communicated.

TEACHERS.

EMPLOYMENT OF TEACHERS.

Teachers desiring employment in their profession in any of the common schools of this State, must apply to the School Directors, who are the only persons authorized by law to employ them. Directors are not authorized to contract with or employ a Teacher who is not in possession of a good and valid certificate of qualification, [*Sec.* 52] nor until such certificate shall have been examined by them, in evidence of the good character and professional qualifications of the applicant. Directors are authorized by *Section* 52 to employ legally qualified Teachers only. A Teacher cannot be legally qualified unless he holds a "certificate of qualification." Such a certificate the Teacher must possess, not only when he *begins* to teach, but as long as he *continues* to teach, for it is an implied condition of the contract under which he teaches, that he will keep himself qualified. This can only be done by keeping in possession a *live certificate* during the whole time he is engaged in teaching, for if his certificate expires by limitation, from that moment he ceases to be accredited as a *legally* qualified Teacher. A Teacher's certificate must be renewed then, as soon as it expires, if he be *then* engaged in teaching a school.

Teachers, for their own security, should *always* demand that a written contract be executed, and it is proper and prudent that a copy of the written contract so entered into should be kept in possession of each of the contracting parties. It is competent for a majority of the District Board to form a contract with a Teacher, but a contract will not be legally binding upon the Directors unless signed by at least two of their number. It sometimes occurs that a single Director executes a contract with the Teacher, affixing his own signature, and engaging to procure the signatures of the other members of the Board. It *has* transpired in such cases that the signatures of the *other* Directors were not obtained, through the neglect or forgetfulness of the single acting Director, by which failure the contract was rendered void. Teachers should require

that at least two names of Directors be subscribed to the contract before affixing their own.

The contract so executed should plainly and unmistakably express the precise terms and conditions of the engagement, securing the Teacher against the loss of his wages or any unnecessary delay in their payment which an honest misunderstanding or a willful misconstruction might occasion.

Directors have sometimes proposed to Teachers that the whole amount of public money apportioned to the district, for the current school year, whether more or less, should be allowed them as compensation for their services in the school-room during the term of their engagement. In such cases it may be represented by the Directors that the proposition, if accepted, will be very much to the advantage of the Teacher, and these representations may be made in all honesty and confidence. Such an agreement *may* involve loss, and *always* involves uncertainty on the part of the Teacher. It is better to have a plain understanding, and to provide in the agreement for the payment to the Teacher by the Directors of such a *definite and specific sum*, per month or quarter, as the case may be, as will constitute a fair remuneration for the services required. *Then*, the wages of the Teacher must be paid, and if the public money is not sufficient for the purpose, the deficiency must be provided for by special taxation. The Teacher is fully secured against loss, as the Board by which he is employed is corporately liable, and payment may certainly be enforced at law.

Directors have no power to alter or annul a contract legally entered into with a Teacher without the Teacher's consent and agreement, while he continues in their employment. If the Teacher's certificate be revoked, or expire by limitation, or if he be dismissed by the Directors for cause, the contract ceases to be binding upon the Board from the date of the Teacher's withdrawal from the school, but the Directors are bound to fulfill the conditions of the contract for the time the Teacher was actually engaged in their service.

A Board of Directors cannot legally employ an unqualified Teacher, that is, a Teacher who is not in possession of the required certificate of qualification, and if in any case such a Teacher be employed by the Board, the district is not bound by their action. If a Teacher so employed enters upon his duties and teaches a

school, he cannot legally collect his wages from the district, but he may collect them from the Directors, *as individuals*, who are personally liable in such a case.

A contract with a Teacher executed by a Board of Directors is binding upon their successors. The parties to such a contract are the *Teacher* and the *corporate body*, known and styled in the Law as "School Directors," which corporate body is perpetuated from year to year in its successors. A Teacher may therefore bring suit against a Board of Directors, and collect wages legally due, although *neither* of the Directors by whom he was employed may be a member of the Board at the time said suit is brought.

DUTIES AND RIGHTS OF TEACHERS.

The general duties and rights of Teachers are such as to admit of no specific mention in the School Law. The duty of the Teacher to keep the schedule, as prescribed in *Sections* 53, 54, is the only one specifically enjoined by the Law. The duties and rights of Teachers as they here follow, are deduced from the School Law in part, and partly from the law of universal custom, which is held to be authoritative, and not inconsistent with the letter or spirit of the statute.

1. *It is the duty of the Teacher to be examined.*—The Law has appointed as the condition to employment in any of the common schools of this State, [*Sec.* 52] that the Teacher shall possess a certificate of qualification issued by the School Commissioner of the county in which the holder proposes to teach. The issuing of said certificate is conditioned upon the fact of good moral character, and the ability to teach the branches specified in the Law, the candidate establishing his claims to character and scholarship by passing a satisfactory examination before the School Commissioner or a deputy examiner appointed by him. There is but one door of access to the profession in this State, and all approaches to the common school room must be made through the strait gate and narrow way of personal examination.

2. *Teachers have the right to order the discipline and conduct of the school.* "The Teacher is to establish a system or organization, the object of which is to prevent irregularities, and to save time; to enable him to do as much *for each*, and as much *for all*, as possible; and to exercise each pupil according to his

capacity and advancement, not overtasking him, nor leaving him unoccupied. This system should be comprehensive enough to embrace all the operations of the school, and so simple that all the children may be able to understand it; so that, when once established, it shall almost keep itself in operation, leaving the Teacher his whole time for other duties. To this end it will be a great advantage to a Teacher to be familiar with the plans pursued in one or more well organized schools. If he be so, he may at once adopt some known system, and leave it to be modified by his future experience. If he be not familiar with any, or with such only as he knows to be bad, he must consider the matter, and form one for himself."

The business of the Teacher in the school room is, to *Teach*—to *Govern*.

Teaching.—"The first inquiries you are to make on entering a school are, What is the state of this school? What and how much does each individual pupil know? How well does he read, write, and cipher now? What are his habits of mind? What is his character? What can I do for him in the time he is to remain under my care? * * * * How shall I give him the greatest amount in my power of useful informations; bring the faculties of his mind into action, and elevate his moral character? How, in short, shall I best prepare him for his station in life, and do what in me lies to make him a useful citizen, and a good and happy man? These things are to be accomplished, not for one only, but *for all*. Consider, then, the ground before you, and lay your plans for doing as much and as well for *each* and *all* as can be done in the time allotted you. One great object in executing your plans is to discover how to act most efficiently *on the greatest number at a time*. Your power of useful action is increased just in proportion to the number on whom you can act at once. * * The grouping of your pupils into classes will be necessary. It will be well for a Teacher who goes into a school for the first time, to direct his pupils to come up in such order and in such classes as were formed by his predecessor. He will then make them understand that this is only to enable him to become acquainted with the progress they have already made, and that he shall afterward arrange them as he finds it best. It should then be his object to divide them into as few classes in each study as possible. This is of the highest importance, as it is only by this

course that he will be able to find time to give them much valuable instruction, or even to do them justice. * * *

"There are several general principles, founded in nature, and deduced from observation, but too often overlooked, which should be our guides in teaching, and of which we should never lose sight:

"*Whatever we are teaching, the attention should be aroused and fixed, the faculties of the mind occupied, and as many of them as possible brought into action.* Nothing is learned unless the attention is gained, and the habit of commanding it throughout a lesson is more important than the lesson itself, whatever that may be. Moreover, the greater the number of faculties engaged upon an object, the deeper and more permanent will be the impression.

"*Divide and subdivide a difficult process, until your steps are so short that the pupil can easily take them.* * * Some possess this talent almost by intuition. They sit down by a child, and make him comprehend almost anything they please, by reducing it to its simplest elements, and presenting them one by one, in their natural order. This talent may be acquired. It depends on a complete knowledge of the subject to be taught, in all its bearings, and of the capacity of the child. Any one, therefore, who will take the pains to make himself master of what he wants to teach, and to enter into the character of the pupil, may be able to attain it. The possession of this talent is what we call *aptness to teach.*

"*Whatever is learned, let it be made familiar by repetition, until it is deeply and permanently fixed on the mind.* This is an old rule, well known from the most ancient times to faithful teachers and careful learners. It is, nevertheless, liable to be neglected, from a feeling that there is so much more to learn which will be entirely new. The faithful application of this principle makes *thorough* teaching—the best kind of teaching, certainly, since a few things well learned are of more use than many things superficially glanced at.

"*Present the practical bearings and uses of the thing taught,* so that the hope of an actual advantage, and the desire of preparation for the future, may be brought to act as motives. * * *

"*Follow the order of Nature in teaching, whenever it can be discovered.* This is only admitting that God is wiser than man, and that all our processes may be improved by the study of His works. The method of learning to read by words first, instead of letters, is suggested by this rule.

"*Where difficulties present themselves to the learner, diminish and shorten, rather than remove them.* Lead him, by questions, to overcome them himself. This gives action to his mind, and puts him in possession of his powers. What we obtain by strong effort, we value and retain. It is not, therefore, what you do for the child, so much as what you lead him to do for himself, which is valuable to him.

"*Teach the subject rather than the book.* Remember that it is not Colburn's Arithmetic, or Davies', which you are to teach, but it is Arithmetic, the science of numbers. Take care, therefore, to make yourself familiar with the principles, and with their various applications, as you may find them in several authors, or by reflecting on them yourself. In this way, and in this way only, you will at last get a complete mastery of the science and art in all its forms; and while you are engaged in the acquisition, it will be in the highest degree interesting to you.

"*Teach one thing at a time.* In teaching Grammar, for example, show first what a noun is, and let the pupil be exercised in this, in various ways, until it becomes perfectly familiar, before he is even taught the difference between a common and a proper noun. Advance thus, step by step, making sure of the ground you stand on before a new step is taken."

The following suggestions are worthy of being attended to, and are given as *general cautions* to the Teacher:

"1. Never get out of patience with dullness. Perhaps I ought to say, never get out of patience with anything. That would, perhaps, be the wisest rule. But above all things, remember that dullness and stupidity (and you will certainly find them in every school) are the very last things to get out of patience with. If the Creator has so formed the mind of a boy that he must go through life slowly and with difficulty, impeded by obstructions which others do not feel, and depressed by discouragements which others never know, his lot surely is hard enough, without having you to add to it the trials and suffering which sarcasm and reproach from you can heap upon him. Look over your school room, therefore, and wherever you find one whom you perceive the Creator to have endowed with less intelligence than others, fix your eye upon him with an expression of kindness and sympathy. Such a boy will have suffering enough from the selfish tyranny of his companions; he ought to find in you a protector

and a friend. One of the greatest pleasures which a Teacher's life affords is the interest of seeking out such a one, bowed down with burdens of depression and discouragement—unaccustomed to sympathy and kindness, and expecting nothing for the future but a weary continuation of the cheerless toils which have embittered the past; and the pleasure of taking off the burden, of surprising the timid, disheartened sufferer by kind words and cheering looks, and of seeing in his countenance the expression of ease, and even of happiness, gradually returning.

"2. The Teacher should be interested in *all* his scholars, and aim equally to secure the progress of all. Let there be no neglected ones in the school room. We should always remember, that however unpleasant in countenance and manners that bashful boy in the corner may be, or however repulsive in appearance or unhappy in disposition that girl, seeming to be interested in nobody, and nobody appearing interested in her, they still have, each of them, a mother, who loves her own child, and takes a deep and constant interest in its history. Those mothers have a right, too, that their children should receive their full share of attention in a school which has been established for the common and equal benefit of all.

"3. Do not hope or attempt to make all your pupils alike. Providence has determined that human minds should differ from each other, for the very purpose of giving variety and interest to this busy scene of life. Now if it were possible for a Teacher so to plan his operations as to send his pupils forth upon the community, formed on the same model, as if they were made by machinery, he would do so much toward spoiling one of the wisest of the plans which the Almighty has formed for making this world a happy scene. Let it be the Teacher's aim to co-operate with, not vainly to attempt to thwart, the designs of Providence. We should bring out those powers with which the Creator has endued the minds placed under our control. We must open our garden to such influences as will bring forward all the plants, each in a way corresponding to its own nature. It is impossible if it were wise, and it would be foolish if it were possible, to stimulate by artificial means the rose, in hope of its reaching the size and magnitude of the apple-tree, or to try to cultivate the fig and the orange where wheat only will grow. No: it should be the Teacher's main design to shelter his pupils

from every deleterious influence, and to bring every thing to bear upon the community of minds before him, which will encourage in each one the development of its own native powers. For the rest, he must remember that his province is to cultivate, not to create.

"4. Do not allow the faults or obliquities of character, or the intellectual or moral wants of any individual of your pupils to engross a disproportionate share of your time. I have already said that those who are peculiarly in need of sympathy or help should receive the special attention they seem to require; what I mean to say now is, do not carry this to an extreme. When a parent sends you a pupil who, in consequence of neglect or of mismanagement at home has become wild and ungovernable, and full of all sorts of wickedness, he has no right to expect that you will turn your attention away from the wide field which, in your whole school room, lies before you, to spend your time and strength in endeavoring to repair the injuries which his own neglect has occasioned. It is both unwise and unjust to neglect the many trees in your nursery, which by ordinary attention may be made to grow straight and tall and to bear good fruit, that you may waste your labor upon a crooked stick, from which all your toil can secure very little beauty or fruitfulness.

"The school—the whole school—is your field,—the elevation of *the mass* in knowledge and virtue, and no individual instance either of dullness or precocity, should draw you away from this steady pursuit."

Government.—"The art of governing a school naturally divides itself into, 1. The preservation of order; 2. The prevention of wrong; 3. Incitement to study. Towards the accomplishment of all these, the first requisite is to render your school pleasant. How is this to be done? * * It is the exercise of our intellectual faculties which is the very essence of happiness. It is unpleasant *only* when long continued on one subject. It should therefore be varied; for little children as often, perhaps, as every half hour; for older ones, as often as every hour. Children are variously constituted in this respect; some grow weary much sooner than others. An exercise should cease before any one has become weary. Restraint, unnecessary or too long continued, becomes wearisome. Every young person is impatient of it; the law of

his whole nature requires action. The younger the child, the greater the impatience of restraint and confinement. There must therefore be breaks and recesses; for very young children as often as once in an hour; for all, as often as once in two or two and a half hours. Uneasy positions are and ought to be unpleasant. Care should therefore be taken that the seats be convenient, of a proper height, and provided with a back. An ill ventilated room is unpleasant. Take care that yours be well ventilated. Harshness is unpleasant; scolding, in man or woman, is excessively unpleasant. Avoid both, and learn to *govern yourself*, and to win by kindness and by reason." * * * "Carry *yourself* the right temper into your school every morning. This, more than anything else will insure the prevalence of general good temper in the whole school, for temper is contagious. A cheerful teacher will have a cheerful school; a cross-grained teacher will have a cross-grained school." * * * "Order should be secured by the general arrangements of the school. *Children must not be left unemployed.* When so left, they are almost sure to fall into mischief, or what a Teacher calls such, to relieve themselves from the listlessness of idleness. If they cannot be employed, they should be dismissed, or allowed to take a recess." * * * *

"You will have pupils in your school who seem disposed to offend against the order of the school room; perhaps from carelessness, perhaps from willfulness. The first point to be attended to is, to ascertain who they are. Not by appearing suspiciously to watch any individuals, for this would be almost sufficient to make them bad, if they were not so before. Observe, however; notice from day to day, the conduct of individuals, not for the purpose of reproving or punishing their faults, but to enable you to understand their characters. The work will often require great adroitness and very close scrutiny; and you will find as the result of it a considerable variety of character, which the general influences of the school room will not be sufficient to control. The number of individuals will not be great, but the diversity of character comprised in it will be such as to call into exercise all your powers of vigilance and discrimination. * * * This is the field in which the Teacher is to study human nature, for here it shows itself without disguise. It is through this class, too, that a very powerful moral influence is to be exerted upon the rest of the school. The manner in which such individuals are managed;

the tone the Teacher assumes towards them; the gentleness with which he speaks of their faults; and the unbending decision with which he restrains them from wrong, will have a most powerful effect upon the rest of the school. That he may occupy this field, therefore, to the best advantage, it is necessary that he should first thoroughly explore it.

"Every boy has something or other which is good in his disposition and character, which he is aware of, and on which he prides himself; find out what it is, for it may often be made the foundation on which you may build up the superstructure of reform. Every one has his peculiar sources of enjoyment and objects of pursuit, which are before his mind from day to day; find out what they are, that by taking an interest in what interests him, and perhaps sometimes assisting him in his plans, you can bind him to you. Every boy is, from the circumstances in which he is placed at home, exposed to temptations which have perhaps had a far greater influence in the formation of his character, than any deliberate and intentional depravity of his own. Ascertain what these temptations are, that you may know where to pity him and where to blame. The knowledge which such an examination of character will give you will not be confined to making you acquainted with the individual. It will be the most valuable knowledge which a man can possess, both to assist him in the general administration of the school, and in his intercourse among mankind in the business of life. * * * Whenever a boy has been guilty of an offence, the best way is to go directly and frankly to the individual, and come at once to a full understanding. In nine cases out of ten this course will be effectual. To make it successful, however, it should be done properly. Several things are necessary. It must be deliberate; generally better after a little delay. It must be indulgent, so far as the view which the Teacher takes of the guilt of the pupil is concerned; every palliating consideration must be felt. It must be firm and decided in regard to the necessity of a change, and the determination of the Teacher to effect it. It must also be open and frank; no insinuations, no hints, no surmises, but plain, honest, open dealing. * * * Is corporal punishment allowable and necessary? *Sometimes*, certainly. Order *must* exist. Obedience *must* be given. If the higher motives fail, recourse must be had to the lower. But the child on whom it is to be inflicted must be in a

wretchedly low state; and the Teacher who *habitually* has recourse to it, must be considered as not well understanding the principles or the duties of his calling."

To the instructions and advice contained in the foregoing extracts,* I will add, that Teachers are authorized to suspend pupils, for violation of the order of the school. Such suspension is *temporary* only, and may be resorted to in extreme cases, until the conduct of the offending pupil shall be reported to the Directors, and investigated by them. Permanent suspension, *for the term*, can only be inflicted as a punishment by the Board, and it must be a very grave offence to justify so severe a remedy. It is quite right for the Board to confide to the Teacher the privilege of terminating suspension for bad conduct, in the case of any pupil, as he is usually the best judge of the character of his pupils, and can best determine whether the repentance of the culprit be genuine or not. Suspension for truancy is a questionable punishment, since it oftener accomplishes the object of the truant than that of the Teacher.

3. *It is the duty of the Teacher to make out and return his schedule to the Directors.*—The schedule should be kept neatly and correctly. "The schedule must show the absence or presence of every scholar, under the proper date, and opposite to the name, on every day that the school has been kept open." No time is fixed in the Law specifically for the return of the schedule by the Teacher to the Directors,—only, "when the Teacher *shall have completed* his or her schedule," is the return required. The schedule must be returned *to the Directors.* The Law makes it the duty of the Teacher to "deliver it [the schedule] to some one of the Directors." If, in consequence of *not* being delivered to the Directors, the schedule should be lost, as has happened, the Teacher is responsible for such loss. The schedule *must be certified* by the Teacher. If the schedule be returned to the Directors *without* being certified by the Teacher, the return is not legal. Teachers are required to keep a separate schedule for pupils who are transferred from another district.

4. *It is held that the Teacher may dismiss school on the usual holidays without loss of the time.* The usual holidays are New Year's and Christmas days, Independence day, and days of public fast-

* These extracts are taken from "*The School and the Schoolmaster*," and "*Abbott's Teacher.*"

ing and prayer, or of public thanksgiving, appointed by the State or National authorities. When school is so dismissed, the Teacher's time is to be reckoned precisely as if school had not been dismissed. While Teachers *may* dismiss school upon the holidays as stated, yet if they agree with the Directors to waive such privilege, then they are under obligation to teach on holidays, if the Board require it.

5. *The jurisdiction of the Teacher includes the school room and school premises.* Pupils are under the Teacher's authority, not only while they are in the school room and during school hours, but while they are on the school premises. Order and obedience may and should be commanded by the Teacher of his pupils both in and out of the school room, so long as they are in the school room or upon the school grounds, and for any violation of order in this respect the Teacher may call his pupils to account, and punish them, if it be deemed necessary.

6. *It is the duty of the Teacher to return a monthly Report to the School Commissioner.* The form of this Report is given in Part II., and may be found by referring to the Index. It is of great importance that this duty be attended to regularly and promptly.

7. *Teachers may be dismissed for cause.* Directors are authorized to dismiss a Teacher for "incompetency, cruelty, negligence or immorality." This is a dismissal from *employment.* The School Commissioner is authorized to revoke a Teacher's license for "gross immorality, incompetency, or other adequate cause." The effect of such revocation is a dismissal from the *profession*, by which the Teacher is deprived of his *right to teach*, until he shall have been re-licensed by the same or another Commissioner.

SCHOOL HOUSES AND SCHOOL SITES.

School houses are to be built at the expense of the districts in which they are situated. For this purpose it is provided in the Law that a special tax may be levied upon the taxable property of the district. A school house cannot be erected in any district until the proposition to build shall have been submitted to the people, at an election held for the purpose, [*Sec.* 48] and shall have been approved by a majority of the legal voters present and voting at such election. A tax cannot be levied to build a school house, without the consent of a majority of the voters present and voting at an election called for the purpose. The amount of tax levied in any one year to build a school house can not exceed [*Sec.* 47] two per cent. of the taxable property of the district. Directors may be authorized by a vote of the people of the district to borrow money for the purpose of building a school house, at a rate of interest not exceeding ten per cent., and issue bonds in sums of not less than one hundred dollars for the payment of the sum borrowed, but the sum borrowed in any one year shall not exceed three per cent. of the taxable property of the district.

When it is proposed to build a school house in any district, the first business of importance is to select a suitable site. Reference should be had, in selecting a site for the school house, to the *quantity* of land to be embraced in the premises, and to its *locality*. For a school house situated in the country, a half acre of land is the very least that should be used, and an acre should be secured, if possible. As soon as obtained, it should be enclosed with a neat, substantial fence, and should be set out with shade trees, unless nature has already provided sufficient shade. Scholars will thus have a commodious and pleasant play-ground, and may exercise themselves sufficiently within the limits of the school grounds, without trespassing upon the neighboring premises. As to locality, the school house should be situated as near the centre of population as possible, thus affording as equal accommodations as may be to all the school-going children of the district. Reference should be had to the *prospective* as well as *present* population of the district, as a district school house cannot be built every

year, and is intended for future as well as present use. The location of the school house should be healthful. Places in the vicinity of stagnant or sluggish streams should be avoided. Low and damp, or bleak and exposed positions are unsuitable. No considerations of false economy should influence a district to prefer an unhealthy location, because it may happen to be a few dollars cheaper than a healthy one. When the site has been determined upon, and before it is purchased, or the building commenced, the Directors should satisfy themselves that a perfect title can be obtained, so that in the event the site should hereafter prove inconvenient or unsuitable, it may be readily sold and clearly conveyed. School sites cannot be obtained from the holders of land upon compulsion.

The question of site being settled, the next business is to determine upon the kind and plan of school house. As to the kind of house, it must be considered of what materials it shall be built, and this must be decided from considerations of utility and economy. Estimates of cost, in different localities, as between a building of wood, and of brick, or of stone, will vary in proportion as the cost of such materials varies, in the same localities. *Only let no estimate be made on the cost of logs.* Of the plan of the school house, it will be necessary to fix upon the dimensions of the building. This will be determined by the number of pupils it is designed to accommodate. Of course in building a school house, some reference will be had to its future use, when the population of the district shall have increased. The plan of a proposed school house should be well and thoroughly matured. It would be well, before fixing upon the plan, to consult an architect or some approved work on the subject of School Architecture, or to visit and examine other good school houses, or if there be no model building in the vicinity, to correspond with the school officers of some district in which a *good house* has been built, and obtain from them a statement, in detail, of plan. At any rate, have the house sufficiently large, 1. To admit the requisite number of desks and seats; 2. To allow every pupil room to sit comfortably, and to leave his seat without disturbing any one else; 3. To afford space in front of the desks and next the Teacher's platform for the convenient arrangement of classes while reciting; 4. To have aisles or passages of sufficient number and width to allow pupils to pass and re-pass without being incommoded or

incommoding others; 5. To secure a wholesome atmosphere. The space between the Teacher's platform and the first desk should be not less than eight feet; ten feet would be better. The platform may be raised about eight or ten inches. Every available space of wall in the vicinity of the Teacher's position should be used for black-board purposes. It is better to have no window in that end of the house occupied by the Teacher, and toward which the pupils face when sitting at their desks. A small room or rooms, communicating with the entrance, and through which the pupils pass on entering the school-room, should be partitioned off, to be used as wardrobe, furnished with wooden or iron pins for the accommodation of hats, bonnets, cloaks, shawls, &c. Considerations of health require a good, high ceiling, and a certain space for each pupil. Every scholar must have *pure air*. To secure this, he must have not only sufficient space on the floor, but sufficient space also between the floor and the ceiling. Every pupil, within doors, needs about 150 cubic feet of space in which to *live and respire healthfully*. So, if he occupy a space on the floor of three and a half feet square, the height of the room should be about fourteen feet. The window sashes should be swung with weights, and ventilation should be chiefly regulated by lowering and closing the upper sash. Seats and desks should be of uniform pattern, and of sizes adapted to the pupils who use them, and should be arranged in rows or ranges at equal distances. It is better for all the pupils to sit facing towards the Teacher's desk. There should be *enough* light in the room, but not *too much*. "The windows should be, if possible, on the east and west sides of the room, on the right and left of the pupils and Teacher. Windows on the north admit too much cold in winter; on the south, too intense a light, at the hour when it is greatest. The eye is often materially and permanently injured by being directly exposed to strong light; and if the light come from behind, the head and body interposed throw the book into their shadow. If windows open towards a road, or any other object attractive to children, they should be so high that the pupil, sitting, cannot look out. Windows set high give a more uninterrupted light, and are less liable to be broken than low ones. But if the house be situated at a distance from attractive objects, the windows may be at the usual cheerful height. In any case, they should be furnished with blinds or green curtains."

The usual mode of heating school houses is by means of common stoves, and perhaps any better way will be found generally impracticable. Teachers should watch the temperature of the room, and guage it, by means of a thermometer, at about 60 degrees. More detailed suggestions can not here be given. The school house and school premises should, in all their internal and external arrangements, be a model of convenience, neatness, beauty, order and comfort. Ordinarily, we do not seek for splendor and magnificence in the construction of our school houses. We do seek, however, for beauty, order and comfort. Let every school district feel a pride in erecting a *good* school house, and let public opinion sanction and encourage an enterprising and liberal policy in this respect. Then may we soon hope for a better progress in all that pertains to the usefulness and success of our common school system.

After agreeing and determining upon the size and style of the school house to be built, the Directors should prepare, or cause to be prepared, a plan and specifications of the work, after which the contract may be let. In some cases, the work is let publicly, to the lowest bidder; but there is nothing in the Law requiring this. The Board may act as they deem proper, but should endeavor to conform to the general wishes of the people, so that no dissatisfaction follow. Directors should be well satisfied of the competency and responsibility of a bidder, or of a party proposing to execute the work, before employing him. A written contract should be entered into in every case. Directors cannot contract for the building of a school house with one who is a member of the Board.

Supervision and Control of School Houses.—By *Section* 39, the Directors are vested with the exclusive supervision and control of school houses. It is the doctrine of the Law rigidly interpreted, that school houses are to be used for school purposes only. They are public property, it is true, but the *control* of them is vested exclusively in the Board, and citizens, though they have a real right and interest in them, cannot use them for public purposes without the consent of the Directors. And Directors should not permit them to be used for other than school purposes only when such use is calculated to promote public intelligence and virtue, and especially the improvement of youth. It is legiti-

mate to use school houses for Teachers' Institutes, or for public educational meetings. When persons are occupying a school house with the consent of the Directors, they cannot be lawfully interrupted, and if interrupted, the offenders may be dealt with as trespassers.

The duty of Directors to supervise and control school houses implies the exercise of a special care over the building and premises, and obliges them to keep the whole in good repair. They should see that the school house is provided with a good lock and key, that the windows are kept whole by removing broken panes and substituting new ones, that stoves are supplied and so secured as to prevent accident from fire, that the desks, seats, furniture, &c., are protected from injury, that the well, fences and outbuildings are kept in good condition, and where these are wanting to supply them. These duties will incur expense, which must be provided for in estimating the annual tax.

Furniture and Apparatus for School Houses.—It is the duty of Directors to provide suitable furniture and apparatus for school houses. The Law does not specify the very kinds of furniture or apparatus to be provided, but leaves it to the discretion of the Board to act as may be prudent and necessary. It is their duty to supply such furniture and apparatus, in quality and amount, as may be necessary, and as the means at their disposal will permit. They are to direct "what branches will be taught." This implies their right to provide whatever is necessary to secure the *right teaching* of the branches they prescribe, and hence all apparatus that may be required to illustrate and facilitate the prescribed studies may be furnished by them. *Black-boards* are indispensable, and the more the better. *Maps*, *charts*, *globes*, &c., are necessary, and may be provided. Every school house should be furnished, too, with a large *Bible* and a *Dictionary*. Apparatus for physical and gymnastic training is useful, and every school should be properly supplied with whatever is necessary to advance the physical education of its pupils.

SCHOOLS IN CITIES AND INCORPORATED TOWNS.

Schools in cities and incorporated towns, which have been organized under special charters, and which are under the supervision and control of local and corporate Boards, are subject to the rules and regulations of such Boards made in pursuance of said special charters. The enactments of city and town Boards of Education, made under the authority of special charters, supersede and set aside the provisions of the general School Law, and the legally constituted school authorities of cities and towns, acting under their respective charters, have full power to make such rules and regulations for the government of schools as they may deem prudent and proper.

It is required by *Section* 79 of the general Act, that Boards of Education, acting under special charters, shall report to the proper School Commissioner the statistical information demanded by the State Department, and in this respect, such Boards are subject to precisely the same requirements as township and district school officers, acting under the general Law. In default of furnishing said statistics, no part of the common school fund can be paid to the Treasurer of said Board.

Under the special powers conferred, School Boards acting under a local character, may form such districts as they may deem best; they may prescribe such rules for the admission of pupils, and for the government of schools as they may judge proper; they may devise such plans and arrangements for the building and furnishing of school houses as may be thought necessary; and they may prescribe their own rules and regulations with reference to the qualifications of Teachers and their employment in the schools under their control. In a word, they are empowered to manage *in all respects* their own local schools in their own way, subject only to the provision of *Section* 79, requiring statistical returns to be made to the School Commissioner at such times and in such manner as is required by the general Act.

NORMAL UNIVERSITY.

PRELIMINARY REMARKS.

The State of Illinois has enjoyed the advantage of being settled by active, energetic, vigorous and progressive men—men who are so far free from the trammels of early prejudices, and the usages to which they had been accustomed in other States, as to be willing to adopt new ideas, and to inaugurate new measures whenever the circumstances seem to demand such a course. And among all our people, the Teachers are in a special manner characterized by this trait. No improvement in educational methods has ever been rejected by Illinois School masters because of a selfish jealousy, or a blind attachment to ancient ways. They have been ready at all times to extend a cordial welcome to every new truth that has been proclaimed by the pioneers in educational progress, to encourage and applaud every step in advance.

And nowhere has this generous and sensible tendency been more manifest than in the matter of the Normal University. In many States the establishment of Normal Schools has been opposed by the body of Teachers, lest its graduates should assume to push present incumbents from their places, and to take possession, themselves, of every position of honor and influence in the profession. But no such petty delusion found favor with the Teachers of Illinois. On the contrary they were the first, in their public meetings, institutes and associations, to demand the practical recognition, in this State, of the principle that Teachers ought to be prepared for their work, as physicians, lawyers and clergymen are required to be for theirs. It is now nearly thirteen years, since these earnest men began to move in the matter by newspaper articles, lectures and discussions. Of course, as is always the case with movements of this kind, the result was by no means easily reached, nor did it come at once. Six years of agitation was required to prepare the public mind of even progressive Illinois for the adoption of a measure so vitally important to a successful system of education. It was not until the 18th day of February, 1857, that the act establishing the "State Normal University near Bloomington, in the County of McLean," was signed by the Governor.

PROVISIONS OF UNIVERSITY ACT.

By this act, fourteen gentlemen therein named, together with the Superintendent of Public Instruction *ex-officio*, are appointed a body corporate and politic, to be styled "The Board of Education of the State of Illinois." This Board is to have and exercise all the powers necessary to hold property, to enter into contracts, and to perform all the duties usually performed by trustees of corporations. It is to govern and control the Normal University, by any necessary regulations not in conflict with the constitution and laws of Illinois and of the United States.

The Superintendent of Public Instruction is to be a member and Secretary of the Board, and to report to the Legislature, biennially, the condition and expenditures of the University.

No member of the Board of Education is to receive any compensation for attendance on the meetings of the Board, except his necessary expenses. Five members constitute a quorum at any meeting, provided all have been notified.

"The objects of the University shall be to qualify Teachers for the Common Schools of this State by imparting instruction in the art of teaching in all branches of study which belong to a common school education; in the elements of the natural sciences, including agricultural chemistry, animal and vegetable physiology; in the fundamental laws of the United States and of the State of Illinois, in regard to the rights and duties of citizens; and such other studies as the Board of Education may from time to time prescribe."

The Board is to prescribe text-books, apparatus and furniture, and to provide the same. Also to appoint, and fix the salaries of all officers and Teachers necessary, and to have power to remove any of them for proper cause, after a notice of ten days, setting forth any charge which may be duly presented, and after a reasonable opportunity of defence.

The seventh section of the act is as follows:

"Each County within the State shall be entitled to gratuitous instruction for one pupil in said Normal University, and each Representative District shall be entitled to gratuitous instruction for a number of pupils equal to the number of representatives in said district, to be chosen in the following manner: The School Commissioner in each county shall receive and register the names of all applicants for admission to said Normal University, and shall present the same to the County Court, or, in counties acting under town-

ship organization, to the Board of Supervisors; which said County Court or Board of Supervisors, as the case may be, shall, together with the School Commissioner, examine all applicants so presented, in such manner as the Board of Education may direct, and from the number of such as shall be found to possess the requisite qualifications such pupils shall be selected by lot; and in representative districts composed of more than one county, the School Commissioner and County Judge, or the School Commissioner and Chairman of the Board of Supervisors in counties acting under township organization, as the case may be, of the several counties composing such representative district, shall meet at the Clerk's office of the County Court of the oldest county, and from the applicants so presented to the County Court or Board of Supervisors of the several counties represented, and found to possess the requisite qualifications, shall select by lot the number of pupils to which said district is entitled. The Board of Education shall have discretionary power, if any candidate does not sign and file with the Secretary of the Board a declaration that he or she will teach in the public schools within this State, in case that engagement can be secured by reasonable efforts, to require such candidate to provide for the payment of such fees for tuition as the Board may prescribe."

(AMENDED FEBRUARY, 1861.)

"SEC. 4. Each County in this State shall hereafter be entitled to gratuitous instruction for two pupils in said University, to be selected as provided in Section Seven of the Act to which this is an amendment."

The following was adopted by the Board of Education, December 18th, 1861:

"RESOLVED, That the Principal may, at his discretion, admit to the Normal University more than two students from each county, provided the whole number of students shall not exceed the aggregate of two from each county, and one from each representative district."

The act appropriates the interest of the University and Seminary fund to the support of the Normal University, but no part of such interest is to be used in the purchase of sites or the erection of buildings.

The members of the Board hold their offices for six years, and all members, since the first, are appointed by the Governor, by and with the advice and consent of the Senate. Those appointed in the act divided themselves by lot into three classes, so that one third of the members were to hold office for two years, one third for four years and one third for six years. This secures the Board

against abrupt changes, and insures at all times a majority of experienced members.

At each biennial meeting, one of the members of the Board is elected President, and another person, not a member, is chosen Treasurer, the latter of whom gives bonds satisfactory to the Board, conditioned for the faithful discharge of his duties.

EARLY PROCEEDINGS OF BOARD, BUILDING, &C.

The Board, appointed in the act, consisted of C. B. Denio, Simeon Wright, Daniel Wilkins, C. E. Hovey, George P. Rex, Samuel W. Moulton, John Gillespie, George Bunsen, Wesley Sloan, Ninian W. Edwards, John Eden, Flavel Moseley, William H. Wells, Albert R. Shannon, and the Superintendent of Instruction, W. H. Powell. They held their first meeting in the Superintendent's office in Springfield on Tuesday, May 4th, 1857. Hon. N. W. Edwards was elected President. They at once entered upon the work for which they had been appointed. An agent, Mr. Simeon Wright, was appointed to visit some of the locations in the State where it had been proposed to establish the University, and to receive proposals, in accordance with the provisions of the act, which directed the building to be erected where the greatest inducements should be offered, provided the location should not be difficult of access, or otherwise objectionable. By far the most favorable offer was made by the County of McLean, the City of Bloomington, and individuals, citizens of the County. Cash and land to the value of *one hundred and forty-one thousand dollars* were offered to secure the permanent location of the Institution near Bloomington. Here, therefore, a site for the building was fixed upon, and the work was vigorously begun. The contract was made on the 19th August, 1857. But the financial revulsion of that year soon came on. Individuals found it impossible to meet their engagements. Lands donated by the county could not be sold at anything like their appraised value. The necessary funds for carrying on the work could not be procured, and the enterprise was temporarily suspended. The suspension appears to have extended from the latter part of the year 1857 to the spring or summer of 1859. And the first use made of the building was on Friday, June 29th, 1860, when the assembly room was temporarily arranged for the commencement exercises of the first graduating class. On Monday, September

17th, of the same year, the Institution first took up its permanent abode in the new building, where it has ever since remained, probably the best housed of any Normal School on the continent.

During the three years from August, 1857, to September, 1860, the most persistent and vigorous efforts were put forth by the friends of the School, members of the Board, and others, to secure the completion of the building. Their labors in its behalf were beyond praise,—they were deserving of universal admiration. And nothing short of such labors could have saved this building from the fate of so many state educational structures begun about the same time in the West, that stand forth to-day unfinished ruins, the abodes of the owl and the bat before they had ever subserved any human purpose. And it will not be deemed invidious to notice as a preëminent man among these earnest laborers, Charles E. Hovey, the first Principal of the Institution.

HISTORY OF SCHOOL.

Mr. Hovey was appointed to his office of Principal on the 23rd of June, 1857, and in July issued circulars to the County Commissioners, announcing that the first session would open on the first Monday in October. In the meantime it was necessary, as the University building existed only in the plans of the architect, to secure temporary accommodations for the school. For this purpose a room in Bloomington, known as Major's Hall, was rented and fitted up for the purpose, as well as circumstances would permit. The seats and desks ordered from Boston did not arrive until late in the term, and rough oaken benches were used at first in their stead. Of desks there seems to have been none. In this room, on the day aforesaid, the Normal School of the State of Illinois began its existence, with Charles E. Hovey and Ira Moore as a faculty, and six young men and thirteen young women as students. In the course of eight days, the number increased to forty-three, which was the maximum for the term. During the term Mr. Charlton T. Lewis was added to the corps of Instructors. For short periods during the year, Miss B. M. Cowles and Mr. Chauncey Nye were also employed as Teachers. The Primary Department of the Model School was also opened during the first year, and placed under the charge of Miss Mary M. Brooks.

The session of 1858 and 9 opened in September, 1858, with the following faculty:

Charles E. Hovey, Principal, and Instructor in the Theory and Art of Teaching.
Ira Moore, Instructor in Mathematics.
Samuel Willard, Instructor in Language.
Edwin C. Hewett, Instructor in Reading and Geography.
C. M. Cady, Instructor in Vocal Music.
E. R. Roe, Lecturer on Chemistry and Philosophy.
Miss F. A. Peterson, Assistant Pupil Teacher.
Miss Mary M. Brooks, Instructor in Model School.

The number of students during the first term was 41 gentlemen, 57 ladies,—total 98.

The first class was graduated on the 29th June, 1860, and consisted of six young men and four young ladies. The exercises, as already stated, took place in the assembly room of the new building.

The session of 1860–1 commenced with the following changes in the Board of Instructors: Leander H. Potter had been appointed in the place of Dr. Willard, Joseph A. Sewall was Instructor in Natural Sciences, Miss Peterson was a full member of the faculty, J. H. Bryant was Instructor in Drawing, and Irving Vescelius in Penmanship. The Model School was under the instruction of Oliver Libby, Joseph G. Howell, and Miss Fannie M. Washburn.

It was in the spring of 1861 that our country was startled by the boom of rebellious cannon at Sumpter, and that the loyal masses of our people sprang to arms in defence of their assaulted nationality. Young men, in pursuit of knowledge, have ever been distinguished by their sensitiveness to the appeals of patriotism. Nor did history fail, in this instance, to be true to her antecedents. All over the land, the students were among the first to rally under the old flag, and an army list became a feature in the annual catalogue of almost every institution of learning. Among these, the Normal University took a very prominent part. Not only many of the students, but also five members of the faculty, including the Principal, entered the army in the course of the spring and summer. One of the Illinois regiments, the 33d, organized just after the close of the annual session, elected the Principal for its Colonel, and was known as the Normal Regiment, and it was in this that most of the students enlisted. The exercises of the Institution were carried on, however, though with many irregularities, until the regular closing of the school year, on Friday, the 3d July, 1861, when the second class was graduated.

The events just alluded to greatly deranged the operations of the University. But the remaining forces were rallied, the places of the absent instructors were filled, some temporarily, and the fifth year began with the following faculty:

Perkins Bass, Esq., a member of the Board, Principal, (temporary) assisted by Messrs. E. C. Hewett and J. A. Sewall in their respective departments, Mr. John Hull in Mathematics, and Mr. B. E. Messer in Vocal Music, Miss Margaret E. Osband in Grammar and Rhetoric, and Miss Frances A. Peterson. The Model Department was under the charge of Mr. H. B. Norton, assisted by Misses Mary E. Baker and Marion Goodrich, who, resigning at the end of the first term, were succeeded by Mr. C. F. Childs and Miss L. E. Ketcham. During the second term Mr. Hull was succeeded by Richard Edwards. The session closed on Friday, June 29th, 1862, when the third class was graduated. It numbered three young men and five young ladies. At this time Mr. Bass retired from the school by the termination of his engagement, and Miss Peterson by resignation.

The University entered upon its sixth year on the 8th September, 1862, with Richard Edwards as Principal, Thomas Metcalf as Instructor in Mathematics, and Albert Stetson as Instructor in Language, the remaining members of the faculty being as during the previous year, with the exceptions indicated above. The school had now fully recovered from its prostration on account of the war. The numbers in attendance far exceeded those of any previous time. But the upper classes, from obvious reasons, continued small. The years' session terminated on Friday, June 26, 1863, when the fourth class, consisting of three gentlemen and four ladies, was graduated. At the close of the year, Mr. Childs resigned his place in the Model, to become Principal of the St. Louis High School. Miss Ketcham's situation also became vacant by her resignation.

The seventh year was entered upon, September 7th, 1863, with no change in the faculty, excepting in the Model School. Mr. W. L. Pillsbury was appointed to succeed Mr. Childs, and Miss Marion Hammond to succeed Miss Ketcham, and Mr. L. B. Kellogg was, on account of the greatly increased numbers, appointed as an additional Teacher. This increase was very marked in both the Normal and Model Departments.

COURSE OF STUDY.

The course of Study occupies three years. The arrangement of it is indicated by the subjoined Table, each star denoting that the study opposite to it is pursued at the time marked above it.

COURSE OF STUDY. — TABULAR VIEW.	1st Year.			2d Year.			3d Year.			Terms.	
	1	2	3	4	5	6	7	8	9		
	15 weeks.	13 do.	12 do.	15 do.	13 do.	12 do.	15 do.	13 do.	12 do.	Weeks.	
Metaphysics				*						15	I
Hist. and Methods of Educ.			*			*	*		*	51	
Constitutions of U.S. and Ill.								*		13	
School Laws of Illinois									*	12	
English Language	*	*	*	*	*	*		*		93	II
Arithmetic	*	*								28	III
Algebra			*							12	
Geometry				*	*					28	
Natural Philosophy							*			15	
Book-Keeping									*	12	
Geography	*	*				*				40	IV
History				*	*					28	
Astronomy								*		13	
Chemistry					*					13	V
Botany						*				12	
Physiology							*			15	
Zoölogy									*	12	
Vocal Music	*	*	*	*	*	*	*	*	*	28	VI
Writing and Drawing	*	*	*	*	*	*	*	*	*	28	VII
Latin Language	*	*	*		*	*	*			80	Optional.
Algebra				*						15	
Higher Mathematics								*	*	25	

The Divisions I, II, III, etc., in the foregoing Table, are made with reference rather to the studies in charge of different teachers than to a strictly logical grouping of subjects: The annexed SYLLABUS is intended as a Key to the table.

DIVISION I.

METAPHYSICS. *Fourth Term.* Mental Philosophy precedes and is made the basis of instruction in the Theory and Art of Teaching. It comprises: (1.) An explication of terms. (2.) A general inquiry into the nature of mind: What is it? What are its Facts, Laws, and Results? The facts and laws of Knowledge, Feeling, and Exertion. (3.) A more particular study of Consciousness, Perception, Memory, Imagination, and the Reflective and Regulative Powers. (4.) The Feelings. Theory of Pleasure and Pain.

THEORY AND ART OF TEACHING. The *Third*, *Sixth*, *Seventh* and *Ninth* Terms are occupied, in this department, with the study of the Science, Methods and History of Education. The course of necessity takes a somewhat wide range, so that only a part of the topics can here be enumerated. (1.) The Order, in time, of the Development of the Mental Faculties, and the exercises best adapted to encourage their growth. The special purpose of each faculty, and the means to train it. Relation of the Mind to the Body, and the effect of the vigorous exercise of each upon the other. Laws of Bodily Health. Ventilation; Pasture; Gymnastics; Formation of Courses of Study. (2.) Motives. The incentives which a teacher may allow to act upon himself or his pupils. The Conscience—how it should be educated. (3.) The Organization and Classification of Schools. Programme of Daily Exercises. The Recitation. School Government. (4.) History of Systems and Methods of Education. Biographies of Eminent Teachers. (5.) Drill Exercises in Teaching. Observation and Practice in the Model School. General Teaching Exercises before the Normal School.

Eighth Term. The Constitutions of the United States and of the State of Illinois. Duties of Teachers as Citizens.

Ninth Term. The School Laws of Illinois. School Supervision and Management. School-House Architecture. Practice in the Model School. General Exercises in the Normal School.

DIVISION II.

READING. *First Term.* Analysis of Words according to their elementary sounds. Articulation and Pronunciation. Compass and Flexibility of Voice. Analysis of Words according to their derivation and formation.

GRAMMAR. *Second Term.* Etymology during the first half of the term. Aim to teach the office of each part of speech in the construction of sentences. Critical Parsing. During the last half of the term, Construct, Analyze, and Parse, sentences of various kinds. Daily exercise throughout the term in the Correction of False Syntax.

Third Term. Analysis and Construction of Sentences continued. Rules of Syntax. Capitalization. Consideration of Abridged Propositions and Idiomatic Forms and Constructions. Daily exercise in the Correction of False Syntax.

RHETORIC. *Fourth Term.* Formation of the English Language. Literary Taste. Figurative Language. Style and its varieties. Punctuation. Composition, Analysis and Amplification of subjects.

READING. *Fifth Term.* Modulation. Prosody. Composition read once a week during the term.

LITERARY CRITICISM. *Sixth Term.* Examine the style of the best English Authors of different periods. Study particularly the style of Milton, Addison, Goldsmith, etc. Blair's Rhetoric. Compositions during the term.

Eighth Term. History of English Literature. Rise and Development, in England and America, of Poetry, History, Romance, the Essay, Oratory, and Metaphysics. Principal Authors in each department. Newspapers, Reviews, and Magazines. English Literature compared with that of other nations. Orations and Essays written weekly, and delivered or read in the presence of all the students.

DIVISION III.

ARITHMETIC. *First Term.* The Decimal System: including Decimal Fractions, so called. Factoring, and its application to Common Multiples and Divisors. Fractions. Compound Numbers.

Second Term. Ratio and Proportion. Percentage, with its application to Loss and Gain, Commission, Insurance, etc. Percentage with time, including Interest, Discount, Partnership, and Equation of Payments. Exchange (Inland and Foreign). Extrac-

tion of Second and Third Roots of Numbers. Arabic method of Notation, using bases other than 10; applied particularly to Duodecimals.

Algebra. *Third Term.* Algebraic Notation. Factoring, with application to Divisors and Multiples. Fractions. Equations of First Degree. Extraction of the Roots of Algebraic quantities. Rules deduced for the extraction of the Roots of Numbers. Radicals.

Fourth Term (Optional). Equations of Second Degree. Ratio and Proportion. Series; including the Progressions, Binomial Expansion, Permutation, Undetermined Co-efficients, Methods of Interpolation, and the method of Summing Special Forms; Piling of Balls and Shells. Logarithms, with methods of Computing the Tables. Exponential Equations, with Position. Interest and Annuities.

Geometry. *Fourth Term.* Straight Line, and Surfaces bounded by Straight Lines. The Circle. Extra Theorems and Problems given for demonstration and solution.

Fifth Term. Solids bounded by Planes. The Cylinder. The Cone. Surface and Solidity of Sphere. Plane Trigonometry, with its application to Land Surveying. Leveling. Variation of Magnetic Needle.

Eight and *Ninth Terms* (Optional). Equations of Point, Right Lines and Circle. Equations of Point, Right Lines, and Plane, in Sphere. Equations of Cylinder and Cone. General Equation of Conic Section referred to its own Plane. General Equation of Second Degree between two Variables. Loci. Surface of Revolution. Differential Calculus. Integral Calculus.

Physics. *Seventh Term.* Laws of Motion and Mechanics. Hydrostatics and Hydraulics. Pneumatics. Optics. Electricity and Magnetism.

DIVISION IV.

Geography. *First Term.* (1.) General Principles of Geography; Execution of Maps, and Outline of South America, 15 lessons; Andes Mountains and countries containing them, 13 lessons; remaining countries of South America, 5 lessons; Cities of South America, 5 lessons; Review, 5 lessons. Total for South America, 43 lessons. (2.) Outline and Map of North America, 5 lessons · Russian and British America, 5 lessons; New England

and New York, 12 lessons. Astronomical Geography. Latitude and Longitude, Day and Night, the Seasons, etc., 5 lessons. Review, 5 lessons.

Second Term. (1.) Remaining States and Territories of the United States, 22 lessons; Mexico, Central America, etc., 5 lessons; Review, 3 lessons. Total for North America, 52 lessons. (2.) Outline and Map of Europe, 5 lessons; Mountains and Rivers of the Continent, 5 lessons; Rapid glance at the countries of the Continent, 10 lessons; More thorough study of Britain as a model, 10 lessons; Review, 5 lessons. Total for Europe, 35 lessons.

Sixth Term. (1.) Outline and Map of Asia, 5 lessons; Mountains and Rivers of Asia, 5 lessons; Countries and Cities, 10 lessons; Total for Asia, 20 lessons. (2.) Physical Geography. Review of the Earth's Forms, with a sketch of the Theory of its Origin, 10 lessons; Physical Life of the Earth, Temperature, Atmospheric and Marine Currents; Rains, and the Effects of Climatic Conditions on Vegetable and Animal Life, 12 lessons. Historical View of the Earth: the Relations of its Forms and Physical Life to the Development of the Human Race, 8 lessons; Review, 10 lessons. Total for Physical Geography, 40 lessons.

United States History. *Fourth Term.* Voyages, Discoveries, and Indian Tribes, 10 lessons; Colonial History, 15 lessons; French War and Revolution, 20 lessons; Subsequent History, with a special study of Illinois, 15 lessons; Review, 15 lessons. Text-Book—Willson.

Ancient History. *Fifth Term. One Term* (13 *weeks*) 65 *Lessons.* Early Asiatic Nations, 8 lessons; Grecian History, 12 lessons; Roman History, 15 lessons; Most Prominent Events of the Middle Ages, 10 lessons; Britons, 5 lessons; Review, 15 lessons. Text-Book—Weber.

Astronomy. *Eighth Term.* Definitions, with Oral Lessons and Exercises, 5 lessons; Constellations, with Maps of the Heavens, 15 lessons; Refraction, Parallax, Time, the Seasons, Motions, Distances and Orbits of Planets, 15 lessons; General Description of the Solar System, 15 lessons; Eclipses and Tides, 5 lessons; Review, 10 lessons. Total, 65 lessons. Text-Books—Robinson's and Burritt's.

DIVISION V.

Chemistry. *Fifth Term.* Names and Properties of Elements; Symbols; Formulæ; Chemical Affinity, etc. Laws of Definite

Proportions. Behavior of Chemical Bodies toward each other. Changes of Form, Color, Properties. Air, Water, Light,—their relations to organic life. Organic Chemistry. Food of Plants. Outline of Chemical Analysis, qualitative and quantitative. Philosophy of Chemistry.

Botany. *Sixth Term.* Structure of Plants, Mode of Growth, etc. Their relations to each other. Classification. Systems of Analysis, Natural and Linneæan. Written Analysis of at least seventy-five species of native plants by the Natural system.

Anatomy and Physiology.—*Seventh Term.* General View of the Structure and Functions of the Human Body. Food and the Digestive Process. The Blood: its Chemical Composition and Vital Properties. Respiration and Nutrition. The Nervous System. The Laws of Hygiene.

Zoölogy. *Ninth Term.* The Sphere and Fundamental Principles of Zoölogy. General Properties of Organized Bodies. Functions and Organs of Animal Life. Intelligence and Instinct. Metamorphoses of Animals. Geographical Distribution of Animals.

Exercises in Drawing, Music and Penmanship, are a regular part of the work of every student. Music and Penmanship follow each other on alternate days. Drawing is attended to during the last term of each year, but practice in this art extends more or less through the entire year. Map-drawing is a constant element in the course in Geography.

There is a vigorous daily exercise in Free Gymnastics, accompanied by Music. Its effect upon the students, in promoting physical health, clearness and vigor of mind, grace and precision of movement, is perceptible to every observer. In this the whole school engage at the same time. A part of each day is devoted to general exercises in Elocution, Mental Arithmetic, Etymology of English words, or some other useful and interesting topic.

TEXT BOOKS AND REFERENCE LIBRARY.

Books for the use of students, in preparing their lessons, are loaned by the University, with the only important exception of the Geographical Gazetteer. This is so bulky, and so easily injured that it has been found impossible, without an unreasonable outlay of money, to furnish it for all the students. It is also a book of such permanent value, that the purchase of it, when possible, is the highest economy.

There is a very select Reference Library of some 700 volumes of standard works. No part of the school furnishings is more important or more useful than this. The books are in continual use. And the practice of judiciously consulting a good reference Library is regarded as highly useful in forming good mental habits. Many a student has mastered the principles and facts of his text-books, without having acquired the power to consider a topic independently, and to assimilate and combine what there is bearing upon it, in a number of books, written by different authors and from different stand-points. This power to digest material from different sources is of course essential to the scholar, and is greatly enhanced by the habit of consulting a reference library of standard books.

THE METHOD OF MARKING.

Some plan should, obviously, be devised for noting the progress of students in scholarship, and an accurate record of attendance and deportment has been found to be a promoter of promptness and well-doing. The scale of marking in the University stretches from 0 to 10, the latter being the most creditable. This latter number is seldom used to indicate scholarship, being given only when some difficult subject has been mastered, some original thought expressed, or some valuable matter from an unexpected source, brought in. A 9 indicates an excellent recitation with nothing original or particularly striking about it. 8 is given for a fair average lesson, and is the more common mark, and so down the scale to 0, which explains itself.

At the end of each school month, the sum of the marks received is divided by the number of recitations made during the month, and the quotient is taken for the average scholarship for that month. At the end of the term, these monthly averages, with the number obtained from the written examination, are again averaged, and the number thus obtained entered on the permanent record book, as the average in that study for the term. If the student be absent from any recitation, the mark against him is the same as though he were present, and had made an entire failure; which mark, however, is to be changed when he shall prepare and recite to the Teacher, out of school hours, the lesson of the class for that day. The numbers entered on the record book for the different studies pursued during the term, are summed

and divided by the number of studies, thus giving the scholarship for the term.

10 marks a perfect attendance; and in case of absence, such fractional part of 10 is deducted, as the time absent is of the length of the term. Each tardiness is counted equal to one half-day's absence. Every absence or tardiness unexcused by the Principal, causes a deduction from the credits for *deportment*, the former of $\frac{1}{50}$, and the latter of $\frac{1}{100}$ of the amount for the term.

The deportment is marked 10 if no marks for misdemeanor or irregularity are entered against the student during the term; a misdemeanor mark, given for an offence comparatively serious, takes away $\frac{1}{20}$ of the term's credits, and an irregularity, given for slight acts of carelessness, or the like, takes away $\frac{1}{100}$ of the same. Twenty recorded misdemeanors, or one hundred irregularities, would bring the deportment average to 0, effectually excluding the student from the Institution.

The rules of the University are few and simple. Among them is one requiring every student to be in his room after a given hour, 7 p. m. in winter and 8 in summer, each evening. One evening each week is allowed for attending the Society meetings, and such as desire to attend church on Sunday evenings are permitted to do so.

No student is advanced with his class unless he has made at least the requisite minimum average, about 7, in each of his studies. No amount of residence secures one step of advancement. Every student after a temporary absence has his place in the school determined strictly according to his previous record, which is carefully examined for that purpose. Much of the success of the University is due to the care with which this regulation is insisted upon and applied.

LITERARY SOCIETIES.

There are connected with the Institution two Literary Societies, the Philadelphian and Wrightonian. The members of the school are drawn into these societies by a fixed rule. Each Society has a valuable library of near 1000 volumes. They occupy commodious rooms, elegantly fitted up in the west end of the third story of the University building. They are both in a state of high efficiency, and their influence is most excellent upon the character of the students. Members of the Model School, males at the age

of 17, and females at the age of 16, are admitted to full membership and are regularly drawn.

NATURAL HISTORY SOCIETY.

The Illinois Natural History Society occupies a fine hall at the east end of the third story, with its excellent Museum, of which the Teachers and pupils of the University have the unrestricted use for purposes of illustration and instruction.

SUNDRY FACTS.

There are three ways of boarding adopted by different students:

First, in families or boarding-houses at $3 per week, exclusive of washing.

Second, in clubs, where the students unite in the purchase of supplies, in hiring rooms for cooking and eating, and in employing persons to do the work. By this arrangement all expenses are reduced to about $2 per week.

Thirdly, some students board themselves in their own rooms, at an expense considerably below that incurred by either of the other methods.

Rooms are readily procured for any of the above purposes.

Candidates for admission into the University are required

(1.) To be, if males, not less than 17 years of age, and if females, not less than 16.

(2.) To pass a satisfactory examination, before the proper officers, (or, if admitted at large, before the Principal,) in Reading, Writing, Spelling, Arithmetic, Geography, and the Elements of English Grammar.

(3.) To produce a certificate of good moral character, signed by some responsible person.

(4.) To sign a declaration of their intention to devote themselves to school teaching in this State, in form as follows:

"I hereby declare my intention to become a Teacher in the schools of this State; and agree that for three years after leaving the University, I will report in writing to the Principal thereof, in June and December of each year, where I have been, and in what employed."

(5.) To agree to remain in the school at least one year, consecutively.

The Board of Education hold two meetings in each year, one in December, and one in June.

NUMBER OF STUDENTS AND GRADUATES.

There have been received at different times the following numbers:

			Males.	Females.	Total.
Class entering in the Autumn of		1857	15	25	40
" during succeeding Winter and Spring			24	24	48
" entering in Autumn of		1858	13	26	39
" "	Winter of	1858–9	6	11	17
" "	Spring of	1859	9	7	16
" "	Autumn of	1859	15	15	30
" "	Winter of	1859–60	8	7	15
" "	Spring of	1860	8	7	15
" "	Autumn of	1860	25	29	54
" "	Winter of	1860–1	10	11	21
" "	Spring of	1861	17	9	26
" "	Autumn of	1861	23	27	50
" "	Winter of	1861–2	11	2	13
" "	Spring of	1862	20	9	29
" "	Autumn of	1862	29	65	94
" "	Winter of	1862–3	8	24	32
" "	Spring of	1863	15	12	27
" "	Autumn of	1863	35	105	140
" "	Winter of	1863–4	9	15	24
Total rec'd since organization of University,			295	434	729

It will be noticed that there has been a more or less constant increase in the number admitted in the successive *Autumn* classes, which are the guiding classes of the school. The recent ones, it will be seen, are far more numerous than those of earlier years.

The names and number of the graduates are as follows:

Class of 1860.—Enoch A. Gastman, Jr., of McLean County;

Peter Harper, of Peoria Co.; Silas Hayes, Jr., of McLean Co.; Joseph G. Howell, of White Co.; John Hull, of Marion Co.; Edwin Philbrook, of Fayette Co.; Sarah M. Dunn, of McLean Co.; Elizabeth J. Mitchell, of McLean Co.; Frances A. Peterson, of Lee Co.; Mary F. Washburn, of McLean County—10.

Class of 1861.—Sophia J. Crist, of McLean County; Amando O. Noyes, of Pike Co.; John H. Burnham, of Cook Co.; James H. Dutton, of Woodford Co.; E. Aaron Gove, of LaSalle Co.; Moses J. Morgan, of DuPage Co.; Henry B. Norton, of Ogle Co.; Peleg R. Walker, of Ogle Co.—8.

Class of 1862.—Sarah E. Beers, of Champaign County; Elizabeth Carleton, of Pike Co.; Helen F. M. Grennell, of McLean Co.; Esther M. Sprague, of Will Co.; Emma M. Trimbe, of Tazewell Co.; Lorenzo D. Bovee, of Will Co.; James F. Ridlon, of Warren Co.; Logan H. Roots, of Perry Co.—8.

Class of 1863.—Mary Augusta Fuller, of Tazewell County; Sarah Jane Frances Gove, of LaSalle Co.; Abbie Ripley Reynolds, of Pike Co.; Sarah Ann Stevenson, of Ogle Co.; William Dennis Hall, of LaSalle Co.; Ebenezer Delon Harris, of Warren Co.; John Henry Thompson, of McLean Co.—7.

Total of Graduates, 33.

The number of graduates is small compared with the whole number who have entered. For this there are many reasons. 1st. Very many successful students, although remaining sufficiently long to derive much benefit from the school, yet are so circumstanced, pecuniarily and otherwise, as to be unable to take the whole course of three years. 2nd. Our advanced classes have been so thinned out by the war as to be left small. 3rd. The recent large classes are yet in the lower grades of the school. The next graduating class, it is hoped, will far exceed any previous one. Every graduate not in the army has been teaching or superintending schools during the present year thus far.

PRESENT CONDITION AND PROSPECTS.

The Board of Education is at present composed as follows:

Hon. S. W. Moulton, Shelbyville, President.
Hon. J. P. Brooks, Springfield, Secretary.
Perkins Bass, Esq., Chicago.
Hon. Newton Bateman, Springfield.
Walter M. Hatch, Esq., Bloomington.
Hon. Wm. H. Powell, Joliet.
Geo. P. Rex, M. D., Perry.
J. W. Schweppe, Esq., Alton.
Henry Wing, M. D., Chicago.
William H. Wells, Esq., Chicago.
Simeon Wright, Esq., Kinmundy.
Hon. Thomas J. Pickett, Moline.
Joseph Medill, Esq., Chicago.
Hon. William H. Green, Metropolis.
Calvin Goudy, M. D., Taylorville.

The present Faculty consists of

Richard Edwards, Principal, Instructor in Mental Science and Didactics.

Eddwin C. Hewett, Instructor in Geography and History.

Joseph A. Sewall, Instructor in Natural Sciences.

Thomas Metcalf, Instructor in Mathematics.

Albert Stetson, Instructor in Language.

Margaret E. Osband, Instructress in Grammar and Drawing.

William L. Pillsbury, Principal Model School.

Marion Hammond, Teacher of Primary Department of Model School.

Lyman B. Kellogg, Teacher Intermediate Department Model School.

PROGRAMME OF DAILY EXERCISES FOR THE TERM ENDING JUNE 24, 1864.

Time.	Principal.	Mr. Hewett.	Mr. Sewall.	Mr. Metcalf.	Mr. Stetson.	Miss Osband.	Mr. Kellogg.
8:30 to 8:45 A. M.	OPENING EXERCISES.						
8:45 to 9:35.	Themes and Object Lessons. Sec. A.	Arithmetic. Sec. G.	Botany. Sec. C.	Arithmetic. Sec. H.	Latin. Optional.	Grammar. Secs. E & F.	
9:35 to 10:25.	Reading. Sec. I.	Phys. Geog. Sec. C.	Geography. Sec. F.	Arithmetic. Sec. E.	Reading. Sec. H.	Drawing. Secs. A, B & C.	
10:25 to 10:40.	PHYSICAL EXERCISES—FREE GYMNASTICS.						
10:40 to 11:30.		School Laws & Book-keeping. Sec. A.	Zoology. Sec. A.	Algebra. Sec. E.	Graded School. Sec. C.	Grammatical Analysis. Sec.	Arithmetic. Sec. F.
11:30 to 12:20 P. M.	Theory & Art of Teaching. Secs. D, E & F.	Geography. Sec. H.	Zoology. Sec. A.	Arithmetic. Sec. I.	Criticism. Sec. C.	Grammar. Sec. G.	
12:20 to 12:40.	INTERMISSION.						
12:40 to 1:30.		Geography. Sec. E.	Geography. Sec. I.	Trigonometry. Sec. D.	Examining Penmanship.	Grammar. Sec. D.	
1:30 to 2:20.	MUSIC AND PENMANSHIP, ON ALTERNATE DAYS.						
2:20 to 2:30.	GENERAL EXERCISE.						

Of course the foregoing programme presents only a part of the whole course of study.

The Model School is an important adjunct of the University. About thirty of the Normal students are continually employed in it. Each is made responsible for the teaching of one class in one subject through the term. Their work is tested from day to day in a variety of ways. A weekly examination is held, at which some of these Teachers with their classes appear before the faculty and the pupils of the Normal School, conduct an exercise, and have their work thoroughly sifted and criticised. For the details of this process, we respectfully refer to the Reports of the Principal, made at sundry times. The Model School is unquestionably successful in imparting to our students the ability to teach and govern. But we believe, and are borne out in our belief by the report of a committee of gentlemen who made a special investigation into this matter, that the instruction imparted is thorough, philosophical and successful.

This school includes all the grades of instruction from the lowest primary, to the most thorough preparations for eastern colleges. Great pains have been taken by the Board to secure for it the services of the best Teachers, and we believe it is doing its work satisfactorily to all concerned. Persons of any age or from any locality may be admitted into it. Great care is bestowed upon the deportment of the pupils. Nothing short of the highest results in this respect are tolerated. No student falling in any noticeable degree below the most perfect good behavior is allowed to remain in the school. The Tuition Fees are,

For the High School, $30 per year of 40 weeks.
" " Grammar " $25 " " " "
" " Primary " $20 " " " "

And for shorter periods, in proportion.

The prospects of the University are encouraging. For the present year thus far it numbers 324 in the Normal department, and 242 in the Model, in all 566. This is a large gain. For the whole of the last year the total was 431. For the preceding year 285. And for the future we have indications of a still greater increase. The counties hitherto negligent of their right of representation are coming in one after another, and the time, we sincerely trust is not remote, when every county shall be fully represented.

PART II.

DECISIONS OF THE STATE DEPARTMENT, AND OF THE SUPREME COURT.

ELECTIONS.

Much of the correspondence of the State Department has reference to the subject of Elections, and parties are continually applying to the State Superintendent for information concerning the rules, modes of procedure, &c., in Township and District elections. *Section* 27 of the School Law says: "The manner of opening, conducting and closing said election [for Trustees,] and the several liabilities appertaining to the judges and clerks, and to the voters separately and collectively, and the manner of contesting said elections, shall be the same as prescribed by the general election laws of this State." This provision of the Law, it is held, applies to all school elections, held in any of the *townships* or *districts* of the State. While the Department is always willing to communicate any information asked for in the premises, it is proper to state that questions relating to the rules and modes to be observed in conducting school elections, cannot be answered *officially* by the Department, as they do not come within the sphere of its official duty or authority. "This office has no power to decide such points—they do not belong to the School Law at all, but to the general election laws of the State, and should be referred to the lawyers and the courts."

Notices for Elections.—Notices of elections to be held in any school township or district of this State should be issued and posted up at least ten days previous to the time fixed or appointed for such elections. Notices of the *first* election in a township

shall be given by the county clerk; subsequently by the Trustees. Notices of the *first* election in a district shall be issued by the township Treasurer; afterward by the Directors. Notices for an election should state the *day* on which the election is to be held, the place of voting, the hours of opening and closing the polls, and the question or questions to be voted on. It is not necessary that the polls at a school election be kept open all day; but sufficient time must be given for all to vote, and the notices must expressly state the hours of voting.

A school election may be held in the afternoon or evening; but the notice of election, in such event, must state the time of opening and closing the polls, and ample time must be given for all to vote.—*Powell.*

The time for opening and closing the polls is left to the discretion of the Directors; but the length of time the polls are to be open must be distinctly stated in the notices, and the time so specified must be strictly adhered to by the judges, the same being neither increased nor diminished. The time chosen for the election should be the most favorable for a general attendance of the voters, and the polls should in all cases be kept open long enough for all to vote.—*Bateman.*

It is held that a failure or omission to issue notices for a school election does not deprive the people of the right to hold such an election *on a day fixed by law*, but that an election held on a day prescribed by the statute is valid, notwithstanding no notices have been issued. The *Law* invests the people with the right to hold elections at certain times, and that right cannot be impaired or vitiated by any clerical negligence.

Omission to give the notice of elections to be held on a day fixed by law will not make the election void.—*Edwards.*

A township or district election, held on the day fixed by the statute, if conducted according to law in all respects, would be valid, even though no notices were issued. The *Law* fixes the time of holding the election, and the requirement of notices must be considered as only directory.—*Powell.*

Judges of Election.—At the *first* election of Trustees held in a township, the voters present may select three of their number to preside over the election, two of whom shall act as judges and one as clerk. At the *first* election for Directors in a school dis-

trict, the officers of election shall be chosen in the same way. Subsequently, the Trustees shall act as judges of all township school elections, and the Directors shall act as judges at all district elections. But if the Trustees or Directors in either case absent themselves from the election, or refuse to act, then judges may be chosen as at the *first* election.

Judges of school elections may or may not be sworn. It is not deemed essential to the validity of the election that those officers be sworn.

Omission to swear the judges of an election will not make the election illegal.—*Edwards.*

The law does not require to have the judges of a school election sworn.—*Powell.*

When there is a tie between the judges on the question of receiving or rejecting a ballot, the *presumption* of the Law is in favor of the voter—the ballot should be admitted.

If a ballot is not decisively rejected by the judges, I am clearly of opinion that the presumption of the Law would be in favor of the voter's right to cast his ballot. Every ballot must be either received or rejected. In doubtful cases the voter may be sworn. If the judges are still not agreed, and a tie ensues, owing to the peculiar construction of the board of judges, the presumption, I am satisfied, is in favor of the voter, and the ballot should be received. All laws restrictive of the rights of citizens should be liberally construed in their favor.—*Bateman.*

Judges will not admit any one to vote at a school election, who is not a resident of the township or district in which the election is held, and who is not a qualified voter under the general election laws of this State.

Persons qualified to vote under the general election laws of this State, and no others, are entitled to vote, sign petitions, &c., in school districts.—*Bateman.*

There must be a *bona fide* residence in the school district of "at least thirty days," to confer the right to vote therein.—*Bateman.*

The judges of election cannot decide a *tie vote* by lot. It is held in such cases that the question voted on is *lost*, for want of a majority.

If there is a *tie*, the proposition *fails*, and there must be another vote. For, in the case of a tie, the votes for and against a given

proposition are equal, whereas, the law requires a majority. The judges cannot, in such cases, decide it by lot.—*Bateman.*

But a majority vote is not required in the election of Trustees or *Directors.* Such a vote *is* required in all other school elections. Any candidate or candidates obtaining a *plurality* of votes, at an election held for Trustees or Directors, shall be declared elected by the judges.

A plurality vote elects in the case of directors; in all other district elections a majority vote is necessary.—*Bateman.*

The poll-book of a township election must be certified by the judges, and returned to the School Commissioner, who shall file the same as evidence of the election. The poll-book of a district election must be in like manner certified by the judges, and returned to the township Treasurer. The poll-book, on file in the Treasurer's office, is the only legal evidence of a district election.

The poll-book with the certificate of the judges, on file in the office of the township Treasurer, is the only legal evidence of such [district] election.—*Bateman.*

The poll-book and certificate should be returned to the township Treasurer *as soon as practicable* after every [district] election, that the proper evidence thereof may be on file for the information of all concerned. Until this is done there is no legal evidence of said election.—*Bateman.*

Adjournment of Election.—School elections may be adjourned or postponed for two causes: 1. On account of the small attendance of voters; 2. When the legal notices have not been given. When so adjourned or postponed, the election should be held on the Monday next following. The *act* of adjournment or postponement is to be passed by the judges of election, and not by the people.

Many causes, of which indifference is the chief, often produce such a meager attendance at these important elections, that the public good manifestly requires an adjournment. In such cases, the Directors or judges, or a majority of the voters present, may decide to adjourn the meeting until the next Monday, at the same place and hour.—*Bateman.*

In order to a *legal* adjournment of an election, it is necessary: 1. That the adjournment be ordered by the *judges alone;* 2. That said judges *before adjourning* the election, organize themselves

into a board of election; 3. That a notice of the adjournment be be written and posted up at the place appointed to hold the election.

These points have been established by a decision of the Supreme Court. I give below a statement of the facts, together with the decision of the Court, in an abridged form:

THE PEOPLE, on the relation of Joseph N. Kies, *et al.*, appellants, *vs.* RICHARD BREWER, appellee.—Appeal from Bureau.

The defendant in this case, Brewer, was elected School Trustee for Selby township, in Bureau county, on the 9th of November, 1857, and was afterwards duly qualified, by taking the oath of office.

On the day when the same defendant claimed to have been elected, a number of voters of aforesaid township met at the proper place for holding the election, and having waited until after 2 o'clock in the afternoon, and there being only six voters present, it was agreed to postpone the election until the next Monday, and the voters present dispersed. *The motion to postpone the election was agreed to without any previous organization of a board of election.* No notice of said postponement was posted on the door of the school house, [the place of voting,] nor were the proceedings of said voters reduced to writing. About an hour after said postponement, a number of voters assembled, and being verbally informed of the postponement, but claiming that said postponement was illegal, organized a board of election, and held an election, at which twenty-four votes were polled, of which defendant received twenty-two. The poll-book of the election, duly certified, was returned to the School Commissioner of Bureau County. An election was subsequently held at the time and place fixed by the postponement, and three persons were elected Trustees of said Selby township, receiving each thirty-two votes. The poll-book of this last election was also returned to the School Commissioner of Bureau County, and the said three individuals last elected were duly qualified and sworn. A process of *quo warranto* was instituted in the Circuit of Bureau County against defendant, for "usurping, intruding into, and unlawfully holding and executing the office of Trustee," in said Selby township. The jury found for the defendant, and the Court rendered judgment against the relators for costs. The case was appealed to the Supreme Court,

and came to a hearing at the April term, 1858. The opinion of the Court was rendered by Judge BREESE, and is as follows:

"This was an information in the nature of a *quo warranto* against Brewer, to show cause why he had presumed to exercise the office of school Trustee for township sixteen north of range ten east of the fourth principal meridian. The defendant justified under an election, and in his plea alleged that he was legally elected to that office on 9th of November, 1857, and had been legally qualified. Issue was taken on this fact, and the cause tried by a jury.

"To sustain the issue on his part, the poll-book of the election under which the defendant claimed, was offered in evidence, which showed the returns of an election for Trustees of schools of the town of Selby. On objection made by relators, the defendant proved that the town of Selby, and township sixteen north, range ten east, were the same territory, and that the township was called the town of Selby. The poll-book was admitted. We think it was properly admitted, the former Trustees having required it, and there being nothing in the law to prohibit it.

"The postponement of the election at the first meeting of the inhabitants, to the next Monday, amounted to nothing. The facts show that within the time required by law, on that day, a sufficient number of inhabitants qualified to vote, organized a regular board of election, the result of which was, the election of defendant. The returns were duly made to the School Commissioner of Bureau County, and all the oaths required by law administered to defendant by a magistrate of that county. The objection that it does not appear from the body of the affidavit or the jurat to the same, that it was in Bureau County, State of Illinois, is not important. It will be intended it was in the proper county, as the returns were made to the School Commissioner of the proper county.

"The subsequent election at which the relators were elected, was invalid, the power of the voters in this regard having been exhausted at the regular election at which defendant was duly elected: so that we are of opinion that the Circuit Court did not err *in admitting the poll-book in evidence, nor in instructing the jury that the postponement of the election on November 9th*, 1857, *was illegal*, and that *a legal election could be held afterwards*

on the same day, by the qualified voters then and there assembled, nor in holding that the act of qualifying by said defendant was sufficient, nor in rendering judgment in his favor. The judgment is affirmed."—*Ill. Reports*, vol. xx, p. 474.

Failure to Hold Election.—When the time fixed by Law for the holding of a school election has come and passed by without such election being held, on account of failure to give legal notice, the omission may be corrected by the Trustees or Directors, as the case may be, by issuing notices as required by Law, and holding the election on a subsequent Monday. Under the former Law, no provision of this kind existed, and the effect of a failure to hold an election was, that the incumbents held over until the next regular election following. The amended Law of 1861 empowers Trustees and Directors to order an election, in default of the regular election on the day fixed by Law.

When it appears that the election has not been announced in due form by the requisite legal notices, said notices may be issued, and the election ordered two weeks later, or on any other Monday, as may be deemed most expedient.—*Bateman.*

Refusal to Call Election.—When the officers whose duty it is, refuse to call an election at the proper time, they may be *compelled* to act by writ of *mandumus.* They are also liable to the penalties prescribed in *Section* 76 for misfeasance.

The Law provides no remedy for such perverseness, unless it is by *mandamus*, compelling the Directors to call a meeting. The 42*d* and 48*th Sections* require that the notices for an election to extend the term of school shall be given by the *Directors.* Unless, therefore, a majority of the Directors concur in giving the notice and calling the election, the Law prescribes no means of voting on the question.—*Bateman.*

The decision here quoted from Mr. Bateman was intended to have application to a particular case submitted to him, but the *principle* declared will admit of *general application*, and forms the basis of official decisions of this Department in all cases of refusal of school officers to call elections at the proper time.

Election Held on Wrong Day.—If an election is held on any other day than that fixed by the statute, it is held that such an error does not invalidate the acts of officers so elected.

If an election is held at any other time than that fixed by law, and it is ordered or acquiesced in by the former officers, the acts of those elected will be valid; at least, so far as the rights of those persons and the public are concerned.—*Edwards.*

If an election is *actually had* on some other day besides that fixed by Law, then the question of the *validity* of said election comes before the courts, in the manner prescribed by Law; this Department has no further jurisdiction in the case. But *until* the election has been contested and determined by the proper tribunals, the acts of the officers elected will be valid, so far as the public and third parties are concerned.—*Bateman.*

As stated in a former circular, the acts of school Directors or other officers *de facto*, claiming to hold their offices under color of right, are valid so far as other parties or the public are concerned. This class of cases includes officers elected notwithstanding there may have been some informality in the election.—*Bateman.*

Manner of Contesting Elections.—The most summary mode of contesting the claims of an acting officer is to enjoin him, by legal process, from discharging the duties of the office. The case is then immediately brought before a tribunal where it can be discovered and decided whether the officer is entitled to hold the office or not.

Elections for school officers may be contested by getting out an injunction, restraining those claiming to be elected from acting. The case is thus brought before the courts, and settled.—*Powell.*

First Elections in Townships and Districts.—The election for Trustees in newly organized townships, and for Directors in newly organized districts, may be held on any Monday, ten days' previous notice being given, as required by Law.

SCHOOL OFFICERS.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

Decisions rendered by the State Superintendent in cases of controversy and litigation submitted to the Department for adjudication, are final, so far as the action of the Department itself is concerned. The legislature or the courts may set aside a decision of the State Department, but until an opinion or decision pronounced by the Superintendent has been so overruled, it is of peremptory obligation and cannot be disregarded without penalty. It has been conceived by some that the opinion of the Superintendent is *advisory* merely, and not *obligatory;* and under the influence of this error, it has transpired that a neighborhood has been annoyed and harrassed by the continued agitation of questions which had been officially put to rest by the State Superintendent. It has occurred, also, [in one instance, at least,] that a matter adjudged and decided by the Superintendent has been subsequently passed upon by a School Commissioner, whose opinion differing with that of the Superintendent, was accepted and acted upon by the very parties who applied to the State Department for a judgment. Again: during the past twelve months a case was submitted to this Department for adjudication which had been officially disposed of and settled by the Department under a preceding administration. The application was quickly dismissed, with a reminder that the case had been already decided by the State Superintendent, and with a notification that the parties were neither authorized by law nor licensed by good manners to re-submit a question which had been thus finally and officially decided. If dissatisfaction result from a decision of the State Department, and parties are disposed to seek a reversal of the decision pronounced, their recourse is to the courts, and not to a succeeding incumbent of the Superintendent's office. This Department will not stultify itself by reviewing and reversing its own decisions in *particular cases.* The review and modification

of an opinion relating to a *general principle* is a different matter.

Opinions from the Department should not be applied for when the cases submitted have been taken to the courts, and are awaiting decision at such tribunals. Courts should decide cases upon their own merits, independent of other influences, and official opinions, *obtained under such circumstances*, should not be paraded for effect. Such an application involves a kind of disrespect toward the Department, as if its opinion would serve well for purposes of *pettifoggery*, but is not valued for its legal or official worth. In all such cases, where the opinion of the Department is desired, let the parties first take their case out of court, and then, upon a submission of all the facts, a decision will be rendered. Such a course would appear more legitimate, and would argue a better respect and confidence toward the Department. Cases before a civil court are beyond the pale of this tribunal, and belong to a separate and independent jurisdiction. There is a kind of indecorousness attending the delivery of an opinion by the State Superintendent, the *object* of which is to influence the judicial decision about to be pronounced upon it.

There is an essential difference between the decisions of the State Department which refer to abstract questions, arising out of *particular cases*, and those which relate to the exposition of *general principles* involved in the School Law. The first are based upon a certain state of facts which exist in a given case only, and which may never exist again. They cannot be regarded as decisive *in any other cases*, but in that only to which they expressly refer. The second class of decisions is simply affirmatory of ascertained and well established *principles*, without specific reference to any given case, and such opinions are generally applicable to any state of facts involving the general principles so affirmed.

SCHOOL COMMISSIONERS.

1. Apportionment.—School Commissioners are not authorized to apportion State and county school moneys to townships in which no school has been kept, as required by Law.

School Commissioners will apportion no money to townships in which no school has been kept, according to law. But if in a township, a single school has been established and kept, as the law requires, then that township comes under the statute, and is entitled to participate in the distribution by the School Commissioner.—*Bateman.*

Where a township lies in two counties, it is the duty of the Commissioner of each county to apportion to such township, according to the number of acres of land and the number of white persons under twenty-one years of age returned from that fraction of the township lying in his county; *provided*, that in such portion of the township a school or schools have been kept according to Law.

Where a township is divided by a county line, leaving one or more districts on each side of said line, the Treasurer of said township is entitled to funds from *each* School Commissioner, *provided*, that schools have been kept *according to law* in *each fraction* of the township; but *not otherwise.* If the district or districts in the part of said township lying in *one* county *have* complied with the provisions of law, while the district or districts of said township which lie in the other county *have not* so complied, then the Treasurer of said township is entitled to funds from the commissioner of the *former* county, but *not* from the commissioner of the latter county.—*Bateman.*

Where no returns have been made for the year preceding, of the number of white persons under twenty-one years of age, by a township or townships in any county, the Commissioner will adopt as the basis of distribution to such townships the last census of white persons under twenty-one on file in his office.

Where officers fail to report the number of white children under twenty-one, the School Commissioner will adopt the census of

those townships whose officers have complied with the law and made a return, and take the last enumeration of those townships from which no returns were received last fall, as the basis of distribution. The townships whose officers comply with the law are entitled to the full benefits of their increased population. —*Powell.*

In distributing the State and county fund, School Commissioners must always take as the basis, the latest official enumeration of persons under twenty-one on file in their office.—*Bateman.*

School Commissioners will not distribute money to townships whose Treasurers have not executed and filed a bond, as required by *Section* 55 of the School Law. When a Treasurer is re-appointed, he must renew his bond.

The safety of the township fund is conditioned upon the faithful execution by the township Treasurer, of a bond, with at least two responsible securities, to be approved by at least a majority of the Board of Trustees, and filed with the School Commissioner. There is the most culpable remissness and neglect in this matter, in many parts of the State, and thousands of dollars of township funds have been irretrievably lost from this cause, during the past two years. The execution of the bond, with adequate security, must be demanded by the Trustees with inexorable firmness, and additional security must be obtained, should the safety of the funds require it. And in all cases, upon the expiration of the old bond, or the appointment of another Treasurer, a new bond must be promptly required. School Commissioners should *peremptorily refuse* to pay over any part of the State or County fund, to any Township Treasurer who has not complied with this most essential provision of the law.—*Bateman.*

If the Trustees of a township make false returns to the School Commissioner, they are liable to the penalty appointed in *Section* 76. Commissioners cannot absolutely *know* that township returns are false and fraudulent, unless they have positive and convincing *proof* of the fact. If such proof be presented to them, it would be well to withhold the public money,—at least, until the facts were reported to the State Superintendent.

Examination of Teachers.—School Commissioners are required by the 51st section of the Act, to "fix upon the time of holding meetings for the examination of teachers, in such places in their

respective counties, as will in their opinion, best accommodate the greatest number of candidates for examination."

This requirement is peremptory—but the law does not prescribe the *number* of times and places; *that* is left to the *discretion* of the Commissioner. It is further made the duty of each Commissioner to *publish the notice* of all such meetings, "in some newspaper of general circulation."—*Bateman.*

Commissioners are authorized to appoint one or more persons to examine Teachers. This duty should never be delegated to persons of questionable competency or fidelity. Practical Teachers, or other active, intelligent, educational men should always be chosen on these boards of examiners, if possible.—*Bateman.*

An examiner, appointed by the commissioner is not a school officer in the meaning of the law, and is not exempted from working on roads, serving on juries, &c., &c.—*Powell.*

It will be the duty of the School Commissioner or board of examiners, when requested by the Directors of any district, to examine Teachers in the higher branches; in which case they shall certify to the additional branches proposed to be taught; but no certificate can be given unless the Teacher is qualified to teach the several branches enumerated.—*Edwards.*

School Commissioners are entitled to one dollar for each certificate *renewed*, the same as for the original certificate; *provided*, that the application for renewal is not made at one of the regular times and places advertised by the Commissioner for the examination of teachers. No charge can be made for any certificate or renewal, granted at any of the above times and places.—*Bateman.*

A Teacher's certificate of qualification cannot be dated back by the Commissioner, but must bear date on the day of examination. Otherwise it will not conform to truth.

Commissioners must refuse certificates of qualification to immoral persons. In judging of the moral character of a Teacher, the Commissioner can certainly act from his own knowledge, notwithstanding the presence of written testimonials; and if he *knows* that the Teacher is not of good character, he should refuse to certify to it. It is but rarely the case, it may be, that the Commissioner can *know* that the candidate is of good moral character, but he should not so certify when he *does* know to the contrary.

A Commissioner should revoke a certificate held by a Teacher of immoral habits, though such certificate were issued by himself.

The moral character of the Teacher is of the first importance, and if the Commissioner has issued a certificate to a person of bad habits from a want of knowledge of his real character, the error should be corrected as soon as the facts are discovered.

School Lands, Sale of, &c.—It is essential to the validity of sales of school lands by Commissioners that due and legal notice of sale be given.

The expense of giving notice for sales of school lands must be paid by the Commissioner.

The School Commissioner pays the expense of advertising sale of school lands out of his three per cent. commissions.—*Powell.*

The Commissioner is entitled to three per cent. of the amount realized from all sales of school lands made by him, and is also entitled to two per cent. of the amount so realized which may be loaned by him. When a sale of school lands is made by the Commissioner, and the amount for which the lands are sold is not actually paid in, but loaned to the purchaser or purchasers, he is entitled to three per cent. for selling, and two per cent. for loaning.

The Commissioner is entitled to two per cent., whether the money is loaned to the purchaser of the land, or *actually paid in*, and loaned to another person.—*Powell.*

The doctrine of this decision, as *intended* by Mr. Powell, doubtless is, that the Commissioner has as clear a right to his two per cent. commission on loans made to purchasers of school lands (though no money has passed) as he has to his commission in loaning *any* school moneys actually in hand. Mr. Powell evidently did not intend to avow that the Commissioner had the right to loan *such* money when paid in to him by the purchaser of school lands to any other party *than* the purchaser. This is clear from the decision following.

When the purchaser of school lands pays the full price of the land to the Commissioner in cash, the money so received should be paid to the township Treasurer, *to be loaned by him.—Powell.*

When a Commissioner has sold school land, and omits to take a mortgage, as the Law requires, the lien upon the land is not lost, but may be enforced against subsequent purchasers, with

notice, if proceedings for that purpose are instituted within a reasonable time, that is, before the claim is outlawed by the statute of limitation.

This principle is established by a decision of the Supreme Court, in the case of "*The Trustees of Schools* vs. *John S. Wright*," reported in Vol. xii Ill. Rep., p. 432. The following are the material facts in the case:

At a public sale of school lands belonging to the sixteenth section of a certain township in LaSalle County, made by the School Commissioner of said County in pursuance of law, John T. Temple became the purchaser of certain lots in the sub-division of said sixteenth section. Notes were executed by said Temple to the Commissioner for the payment of the purchase money, as required by law, with Grant Goodrich and Royal Stewart as securities. Said notes were received by the Commissioner, and deposited with the township Treasurer, but no mortgage was executed by Temple as collateral to the notes. The Commissioner at the same time issued to Temple a certificate of purchase; subsequently a patent issued to Temple. Temple failed to pay the notes, and he and his sureties became bankrupt. Suit was instituted by the Trustees of the township aforesaid in the Circuit Court of LaSalle County to enforce against the purchasers of said lands a vendor's lien for the purchase money due. The case was decided adversely in the Circuit Court, and the bill dismissed. The case came before the Supreme Court on a writ of error, and the opinion of the court was given by Judge Treat. The following is, in substance, the decision:

"The statute under which these lands were sold, required the School Commissioner to take notes with personal security and a mortgage on the premises, to secure the payment of the purchase money. The lands were sold on a credit of one, two, and three years, and the notes of the purchaser with sureties, taken for the payment of the several installments, but the Commissioner omitted altogether the taking of a mortgage. Under these circumstances, we think the lien was not waived. The purchaser did not acquire the land divested of a lien, which the law expressly provided should be reserved. In such a case, there can be no doubt of the right of Trustees of schools to assert a lien, as against a purchaser; and we think it equally clear, that the same remedy may be pur-

sued against those claiming under him, with notice, if proceedings are instituted within a reasonable time after the right to do so accrues. The defendants all purchased before the patent issued, and before the last of the notes came due. The certificate of purchase showed on its face that the original purchaser had given notes for the consideration, and the same fact appeared in the report of the sale to the County Court. If the defendants had examined the sources of their title, they would at once have discovered that the lands were sold on a credit which had not then expired, and by inquiring at the proper office they would have ascertained that the notes were still unpaid. They are chargeable with knowledge of every thing appearing on the face of the title papers, and of the records relating to the sale. The decree of the Circuit Court dismissing the bill, so far as it seeks to enforce a lien against the lots conveyed, is reversed; and the cause is remanded, with leave to the parties to amend their pleadings."

An omission, on the part of the Commissioner, to record the proceedings of sale of school lands will not invalidate the title of the purchaser. This principle has been settled by the Supreme Court, in the case of *Trustees of Schools of Town*, 23 *N. R.* 1 *E.* vs. *James Allen et al.*, reported in Vol. xxi Ill. Rep., p. 120. In this case, the School Commissioner of McLean County sold to defendants lands of the sixteenth section of said township, on or about the 28th day of September, 1850, for which lands patents were subsequently issued to the purchasers. It was alleged that the Commissioner omitted to make a record of the sale, as required; whereupon the Trustees of the township aforesaid brought suit in chancery, in the Circuit Court of McLean County, praying for a decree to set aside the sale, on account of irregularity, as stated. The court refused the prayer, and decided the sale to be legal and the title good and valid. The case was taken to the Supreme Court on a writ of error, in January, 1859, and the decision of the court below affirmed, the opinion being delivered by Judge Breese, from which I quote as follows:

"The grounds for the relief prayed by complainants are not established by any testimony they have adduced, nor does it cast upon the case the slightest shadow of fraud on the part of the defendants, or others concerned in the sale of the land.

"It is urged that the prerequisites of the Act authorizing a sale of school lands have not been complied with, in this, that the School Commissioner kept no record of the sale.

"This is directory to the Commissioner, but the title of the land he might sell, if legally and fairly sold, could hardly be made to depend on his obeying these directions.

"The case, as shown by the proofs in the cause, is wholly destitute of any indication of fraudulent act or intent, in any quarter, by any party. The most that can be said about it is, there are omissions to perform certain acts which the statute required; but which, not being performed, in the absence of fraud, should not be permitted to invalidate a patent issued by the State, which the statute declares "shall operate to vest in the purchaser a perfect title in fee simple." It would be hard, indeed, if one of our farmers, whose all was his land, should, after receiving a patent for it from the United States or from this State, be deprived of it because some careless official in some public office had omitted to do some act the law required him to do before the patent could issue. The public and individuals have a right to repose upon the patent issued by the government, and that it shall not be attacked except for fraud, or as having issued without law.

"The testimony shows that full value was paid for the land at the time it was sold. It may be a misfortune and loss to the county that the sale was made so soon, but being made fairly and not in violation of law, it must stand. The decree is accordingly affirmed, except as to costs, it being provided by statute that Trustees of schools pay no costs."

TRUSTEES.

To ENTITLE a district to share in the benefit of the public money, it is peremptorily required that the Directors thereof shall have kept a free school in operation for six months during the year preceding. The conditions of the Law are not so fulfilled in a case where a district has kept a school open for *seven months* in one school year, and only *five months* in another year, as to entitle it to draw public money for *both years*, although the school has been kept in operation for twelve months during the two years.

The Law undoubtedly requires, as the condition of participating in the distribution of the public school funds, a six months school during *each* and *every* year. It will not, of course, satisfy the Law to average the time of two or more years, taking the surplus months of one year to make good the deficiencies of another.—*Bateman.*

ONLY those districts in a township which have complied with the six months requirement are entitled to share in the public money. If there be six districts in a township, and only *two* of them have had schools for six months, the *whole* of the public money subject to distribution must be apportioned to the *two* districts in which legal schools have been kept. So, if only *one* of the districts had kept a six months school, that *one* district will be entitled to the *whole* of the public money.

If *all* the Districts in a given township are able to report a six months school, then *all* participate in the distribution of the public funds, upon the basis prescribed in the 34*th Section.* If only a *part* of the Districts comply with the law, then *that part only* are included in the distribution made by the Trustees, receiving all that would have been apportioned to the other Districts, but which they forfeited by neglect. It occasionally happens that only a *single District* in a whole township has had a six months school according to law. In such a case, *that District is legally entitled* to the whole distributive fund of the township.—*Bateman.*

TRUSTEES are personally liable for any loss or damages resulting from their neglect to apportion upon a schedule before them, which has been legally accredited by the Directors, and filed with the township Treasurer. It is the duty of the Trustees to allow every schedule, duly filed and reported by the Treasurer, its just and equitable share in the apportionment of the public funds, "in proportion to the attendance certified;" and for any loss accruing through their neglect or failure, the law holds them also personally liable.—*Bateman.*

TRUSTEES must apportion upon schedules on the very day fixed by Law, and *cannot* apportion upon a schedule which is not returned to them at the proper time. This principle is stated in the following decision of the Supreme Court, in the case of *Thomas L. Cotton* vs. *Lewis Reed et al., Trustees of Schools*, Ill. Rep., vol. xx, p. 607.

In this case, Cotton had taught a school, and had done all things required of him by law to entitle him to payment on his schedule. The schedule was kept as required, certified to by him, and presented to one of the Directors, who certified to its correctness. Neither of the other Directors certified to the schedule, owing to their absence from home, nor was the schedule presented to the Treasurer before the meeting of the Trustees next following its completion. The Trustees refused to allow or order its payment, and Cotton filed a bill in chancery in the Circuit Court of Hardin County, to compel the Trustees to order payment on schedule, which bill was dismissed by the court below. The case came to the Supreme Court in a writ of error from Hardin County, and was decided in November, 1858. The opinion of the Court, from which I quote below, was rendered by Judge Walker:

"We have the question presented, whether the time is material when the Teacher's schedule shall be certified, and filed with the township Treasurer, to entitle it to payment out of the public school fund. The *50th Section* of the School Law provides the mode of certifying Teachers' schedules by the Teacher and at least two Directors, and when certified, as prescribed, requires that they shall be filed with the township Treasurer by the Directors. The *51st Section* provides that such schedules so certified shall, at least two days before the first Saturday* of April and October, be delivered to the Treas-

* The Law, as changed, appoints the first *Monday* in April and October for the regular meeting of the Trustees, instead of *Saturday*, as formerly.

urer. The 36*th Section*, after enumerating the funds to be distributed, &c., provides that "the balance they shall appropriate on the several schedules certified and returned from each school in the township according to law, in proportion to the number of days certified on such schedules respectively to have been taught since the last regular return day fixed by the Act."

"The duties and powers of Trustees of schools in the distribution of the school fund, are regulated by legislative enactment. In that respect they have no discretion whatever. They *must* distribute this fund at the time, and to the persons, and for the purposes directed. They are compelled to pursue the requirements of the law. The language is peremptory that the schedule must be examined, corrected and certified to by two Directors, or a committee appointed for that purpose, and filed two days previous to the first Saturday in April and October, and that the fund shall be distributed on the schedules certified and returned from each school in the township, according to law. The schedule wholly fails to comply with this requirement, either as to certificate or return. And the language employed leaves no doubt that the Legislature intended that these provisions should be complied with to authorize money to be apportioned to the payment of Teachers. If this requirement may be dispensed with, we can see no reason why any other provision of the Act may not be disregarded. That such requirements should be imposed is perhaps necessary to protect the fund from waste, and may have been the considerations which influenced the Legislature in adopting them. But we in this Act find no authority either for the Trustees of schools or the courts to disregard these provisions.

"But it is urged that a court of equity should entertain jurisdiction and grant the relief sought, upon the grounds of accident. In an examination of numerous authorities to which we have had access, we have been unable to find any authority to relieve a party from an officer's neglect in performing his duties. In such case, the officer is liable to the party injured, in an action at law for damages, and such remedy at law is complete. In this case all that is claimed as an accident, was no more than a neglect of duty by the Directors.

"But if the defendants had failed to perform a duty imposed upon them as officers by the law, they may be compelled to its performance by a writ of *mandamus*. Courts of equity have no such power, and must leave the party to his legal remedy, by writ of *mandamus*, or action against the persons charged with the non-performance of duty which has produced the injury. Though the complainant in this case may be wholly blameless, and may have performed his entire duty, we think he is not entitled to relief in the mode sought, and that the court below committed no error in dismissing his bill, and the decree of that court must be affirmed.

This principle is again stated in the decision of the Supreme Court in the case of *Joseph B. Thomas* vs. *Trustees of Schools*, reported in Ill. Rep., vol. xvi, p. 163.

If any district have a surplus of public money remaining, after paying schedules, said surplus does not go back into the township fund, but belongs to the district, and will be held by the township Treasurer subject to the order of the Directors thereof. The following decision applies to a case in which the district mentioned [No. 3.] had such surplus remaining.

The twenty dollars surplus drawn by District No. 3 belongs exclusively to that district, and should remain in the township treasury subject to the order of the Directors of District No. 3, and may be expended by them in paying any deficiency due upon back schedules, in paying Teachers' schedules in the future, in defraying any necessary school expenses, such as fuel, etc., or in purchasing a library or apparatus for the school.—*Powell.*

Trustees of a township lying in two counties, and receiving public money from the commissioners of both counties, will *unite* the funds and distribute the amount as *one fund.*

If, in a township lying in two counties, the Treasurer receives $400 from one commissioner and $200 from the other commissioner, the funds should be merged, and treated as a common fund. —*Powell.*

The school funds of the township cannot be borrowed by the Trustees thereof.

There can be no question, I think, but that the loaning of any portion of the school fund under the control of the Trustees, by themselves, to one or more of their own number is wholly without any sanction of law. It brings their individual interests in conflict with their trust duties, and, aside from the express provisions of the 42d section of the Act, is contrary to the general principles of law governing trust relations and official conduct. Such a transaction is of the nature of a "contract" in the sense of the statute, and, as such, is explicitly prohibited in the 42d section of the law.—*Bateman.*

The boundaries of school districts cannot be altered or changed, but at a regular meeting of the Board of Trustees; but a regular meeting may be adjourned to a subsequent day, at which

adjourned meeting the Trustees may change the boundaries of districts, *provided*, the business was introduced for action at the regular meeting held on the day fixed by Law.

After a township has been laid off into districts, the Trustees have no power to alter or change any district, except at a regular session. But the regular meetings required of the Trustees on the first Monday of April and October may be continued from day to day, or adjourned to be held at any other time.—*Edwards.*

School districts can be altered or changed only at a regular semi-annual meeting in April and October. But if a proposition to alter or change a district is *presented* at such regular meeting, but not acted on for want of time or other sufficient reason, such proposition may be taken up and disposed of at an adjourned meeting. Such a meeting is to be regarded as merely a continuation of the regular session. But no proposition to change the boundaries of districts can be considered or acted upon by the Trustees at any adjourned meeting, unless said proposition was first submitted to them at a regular semi-annual meeting.—*Bateman.*

Districts may be formed out of territory lying in adjoining townships. In such case, it is required that the Trustees of the townships interested co-operate. It is not necessary that the different Boards *meet together*, in joint session, but simply that they mutually agree to the action proposed. The joint action of the several Boards is necessary in changing such districts.

Districts composed of parts of two or more townships may be established; in which case the Trustees of the interested townships shall act in conjunction; but when such districts are formed, they cannot be changed without the consent of a majority of the Trustees of each township.—*Edwards.*

In the formation or alteration of a district or districts lying in two or more townships, the two or more Boards of Trustees must "act in conjunction," as the Law has it; that is, they must concur in, consent or agree to, the proposed change. Without such mutual consent the proposed measure cannot be legally consummated. It is not necessary that the several Boards of Trustees should *all meet together*, and debate the question in *joint session*, in order to "act in conjunction," in the sense of the statute. All

that is essential is, that there should be *agreement, concurrence*, in respect to the subject proposed. The several Boards may meet together, or separately, and make known their action afterwards. —*Bateman.*

In case of the division of a district, the Trustees must proceed at once to divide equitably between the several parts, all the property, funds, taxes, &c., belonging to the original district. This duty should be performed at the time the division is made.

School houses and school house sites, and all other school property belonging to a district at the time of its division, is held to come within the meaning of the term as used in section 39, and as such must be divided among the several parts of the district, when such district is divided, in proportion to the interest of each of such parts of a district so divided in such property at the time of its division. The law makes it the duty of the Trustees to divide such property, but fails to specify the manner in which they shall make the division. The following method is suggested to the Trustees as being both equitable and convenient: Where a district is divided which is the owner of *any kind* of property, let the Trustees determine by estimate what portion of such property is justly due each part of said district, *the taxable property in each of such parts of the district being taken as the basis of such division;* then let the Trustees select some disinterested person as an appraiser of such property, let the Directors of the district owning the property select a second person, and they two a third person, to appraise the *present value* of all the property belonging to the district. When they shall have set a value upon the property, the Trustees can then adjust the amounts due the several parts of the district as above indicated; and the Directors of the district can proceed to levy the amount due the part or parts set off upon the portion of the district in which the house is situated. If the Directors shall fail or refuse to do so, the Trustees may order the whole property sold at auction to the highest bidder, and then divide the proceeds of the sale as above indicated.—*Powell.*

When a new district is formed from parts of one or more districts, in which taxes had already been levied, said taxes should be divided by the Trustees at the time the new district is formed, and the Treasurer should be instructed to hold the portion of

such taxes belonging to said new district when collected and paid over to him, subject to the order of the Directors of said new district. But if no division of tax funds was made, when the new district was formed, it is competent for the Trustees to make such division, *at any time*, and they should do so without delay—for district taxes are subject to call, at any time after collection, and the new district should not be deprived of her portion by the neglect of the Trustees—sections 33 and 39 prescribe the *manner* of dividing the tax funds when new Districts are formed.—*Bateman.*

If a school *house* belong to a district, but not the *site* on which it stands, the Trustees, in case of a division of the district, should apportion to the several parts the value of the house.

The fact that the District does not own the *site*, does not release it from the obligation to divide the value of the *house*, which it *does* own, and which both districts helped to build. The case falls under section 39, the language of which is too plain to require any explanation.—*Bateman.*

Township school lands, having been once sold and reverting to the township, may be re-sold. In such case, the Trustees, and not the School Commissioner, will sell the land.

Several years ago, the school section in a certain township was sold, and patents were issued to the purchasers, from the State, conveying and assuring the title. Default having been made in the payments due on one half of said section, it was sold, and the Trustees, to secure the township, bought it back, and secured the title in their corporate name as Trustees. It is now desirable to re-sell that land, and the question arises: Who shall sell it—the Trustees, or the School Commissioner?

A similar question was submitted about a year ago, in answer to which, I expressed and published the opinion, that it was competent for the *Trustees* to make the second sale.

After a careful reconsideration of the subject, I am not able to arrive at any other conclusion than that already expressed. I am clearly of opinion that the Trustees, in all such cases as the above, have the right to re-sell. The soundness of this opinion seems to be sustained by many strong and obvious considerations.

Prior to the *original* sale, the title vests in the State. The *first* sale can only be made by the *School Commissioner.* The original

purchasers can only obtain their patents from the State, through the Commissioner. *Vide* sections, 83 to 96, inclusive.

But after the original sales have been effected, and patents have been issued to the purchasers, and the title of the State has thus been alienated, it would seem to follow that the jurisdiction of the School Commissioner ceases. The State, which the Commissioner represented, and for which he acted, having now conveyed its title, and vested the same in the purchasers, the official relation of the School Commissioner to the land terminates—his agency is no longer needed.

The owners of the land have now a perfect title, and may, therefore, grant a good title to those purchasing from them. The Trustees having, in the case before us, bought in the land and acquired title in the manner aforesaid, may undoubtedly re-sell and convey, in their corporate name, as aforesaid.

The law is everywhere very careful to protect school funds. No costs are allowed in any suit for the recovery of the school fund or any interest due thereon when such suit is unsuccessful. The land in question, has been once sold by the School Commissioner—he has had his commissions for selling it. If he may sell and re-sell the same piece of land, over and over again, there would be no limit to the amount of his commissions. It cannot be supposed that the law contemplates more than one commission to the same officer for selling the same piece of land. If the *Trustees* sell, no additional cost will be incurred, for the *law* does not entitle them to pay for that service.

Sections 90 and 91 do not describe this case—*they* refer to *unsold* lands; *this* is *forfeited* land. The power to sell is clearly given to the Trustees, in the 41st section of the Act.

To accord with the spirit of the Law, therefore, the proper construction, in all cases embraced within the present inquiry, would seem to be:

That forfeited lands, within two years from valuation, should be sold by the Trustees, at that valuation—and,

That after two years, they should be again valued, *without petition*, [see sec. 91, "*proviso*,"] and sold by the Trustees.—*Bateman.*

TOWNSHIP TREASURER.

Upon the election of a new Board of Trustees, a new bond should in all cases be executed by the township Treasurer. This is not only required by Law, but from a due regard to the rights of the securities, and the protection of the public money.—*Bateman.*

The Bond of the Treasurer should be so filled up as to designate plainly the particular township for which the officer is acting.

In the second line of the form of bond (Act 1861, § 55, p. 24,) the blank after the words "unto the board of" should be filled as follows: "Trustees of Township No. —, Range No. —;" giving definitely the township and range. The blank is sometimes filled with the single word "Trustees," which is too vague, and of questionable legal validity. There are a great many Boards of Trustees in the county; and unless the blank is filled with a complete description of the township, as above suggested, there is nothing to show the particular Board of Trustees to whom the treasurer is holden, nor what particular board would be authorized to sue him on his bond for malfeasance in office, as provided in section 64, *et al.* The blank in the second line of the form should, therefore, be filled as specifically as that in the eighth line, that the identity may be manifest.—*Bateman.*

The Treasurer may institute suit against borrowers of school money, on default of payment of either principal or interest, without an express order from the Board of Trustees.

It may safely be taken for granted, that in all such legal proceedings, [bringing suit for money loaned] the Treasurer will seek the advice and concurrence of the Trustees, and *may* have an order from them before commencing an action. But such are his legal relations to the township fund, that I am disposed to the opinion that he may proceed in the premises without a formal order from the Board of Trustees.—*Bateman.*

The 61st section makes it the duty of the Treasurer to proceed to the collection of all claims due the township, when they mature; and if any loss accrues from his neglect in this particular, he and his securities become liable [see section 64] unless he acted, or was warranted in his failure to act, by an order of the Board

of Trustees entered upon their journal and subscribed by the President and Clerk; in which case, if loss accrues, the Trustees become responsible. In case of loss by the neglect, he is responsilbe for failing to collect, in proper time, the debts due the township, unless he was ordered, in the manner prescribed above, not to collect.—*Ibid.*

The Treasurer cannot himself borrow the school moneys of a township which have been entrusted to his official custody.

Can township Treasurers loan to themselves any part of the school funds of their own townships?

It would seem that the answer to this inquiry should readily suggest itself without argument—that the inconsistency of the transaction should be self-evident. But as a different opinion and practice have extensively obtained, it will be of use to give the point a brief examination.

That township Treasurers should not and cannot lawfully become borrowers of the school funds of the townships of which they are treasurers, will appear from the following considerations:

1. The township Treasurer is the agent of the Board of Trustees, through whom alone all loans must be effected and all contracts connected therewith be executed. [Section 57.] In all valid contracts there must be at least two parties—one empowered to negotiate, the other competent to be negotiated with. These two parties cannot be identical, or the powers of each be merged in the same person. This would be a contradiction in terms, and subversive of the primary rules of mutual obligation.

2. Not only is there no one with whom the Treasurer can lawfully make the contract in loaning to himself, but another difficulty presents itself. The execution of securities may be denied by a plea of *non est factum*. In such case the testimony of the township Treasurer is conclusive proof that the securities were duly executed. But suppose that plea is made by the township Treasurer himself in denial of the execution of his own securities as a borrower of the fund: how or by whom shall the township prove them? What recourse would there be in such an emergency?

3. All books, notes, bonds, mortgages, and all other evidences of indebtedness belonging to the township, are by law, in the exclusive custody of the Treasurer, who is required to safely keep the same, and to lay them before the Trustees at their semi-annual meetings. [Sections 52 and 53.] If therefore, the Treasurer loans the funds to himself, he must keep and hold all of his own notes and other written securities. But this would afford strong temptation to fraud, and be in direct conflict with the familiar doctrine in equity that temptation should be removed, and a constant sense of personal responsibility and personal interest be

kept alive. This principle applies to all who, like the township Treasurer, act in a fiduciary capacity.

4. The Treasurer must demand all moneys, papers, etc., belonging to the township. [Sec. 62.] Can he make this demand of himself? And, if it should be essential, how shall such demand be proved? Again: If additional security shall be required by the Trustees for the payment of money loaned, section 60 commands the Treasurer to institute suit for the recovery of the principal and interest. Can he institute proceedings against himself? If not, how shall the additional security be obtained and the interests of the township be protected? Is such protection to be found in the *official bond* of the Treasurer? Certainly not. The bond simply obligates the Treasurer to discharge all the duties of his office according to law. To hold that the Treasurer can go on and borrow the township funds on said bond, without giving the securities required in section 57, would surely be the extreme of absurdity. The only ground on which the Treasurer would be liable on his bond in the premises, would be that of illegal conduct in loaning the funds to himself; but this would be fatal to the assumed right in question, and conclusively sustain the position here taken, that such loans are not legal; for that can not be lawful for doing which an officer is liable on his own bond.

5. The Treasurer is the creature and agent of the Trustees; and if they may loan to him, or allow him to loan to himself, it is difficult to see why he may not loan to them, or allow them to loan to themselves or to each other; and thus every vestige of security for the money would be gone: the township officers might speculate in the school funds without let or hindrance; the desire to get control of the money would incite to fraud and corruption in the election of Trustees and the appointment of Treasurers; avarice, bribery, dishonesty and deceit would mark the history of the management of the funds, and the beneficent purpose of the legislature be utterly defeated.—*Bateman.*

SPECIAL TAX FUNDS belonging to a district may be paid out *at any time*, on the order of the Directors of said district.

It is the manifest intention of the Law to place these funds, in a special manner, at the control of the several boards of Directors by whom and for whose sole benefit they were levied. For this, and other reasons, the position may, I think, be safely assumed, that the Directors may draw on the Treasurer *at any time*, for such special district funds as may be in his hands. The order of the Directors, and the receipt of the person to whom the money is paid, will be sufficient evidence in favor of the Treasurer, and an ample guaranty for whatsoever of responsibility he may assume.—*Bateman.*

IN CASE a balance of apportioned funds remain in the hands of

the Treasurer to the credit of any district, after all claims have been paid, said balance or any portion of it may be paid out by the Treasurer on the order of the proper Directors, for the payment of legitimate school expenses, without the presentation of schedule.

When the Trustees meet, in April and October, their first duty is to "*apportion*" to the several districts the amount of money on hand; that is, to determine and assign, in the manner required by law, the due proportions and just share to which each district is entitled. The amounts so apportioned and determined are then placed on the books of the Treasurer, to the credit of the several districts. The Treasurer then proceeds to *pay out* these funds to the persons authorized to receive them, charging each district, on his books, with the amount so paid out. It sometimes happens that a surplus, or "balance," remains to the credit of a given district after all orders from such districts have been presented and paid. For this balance, or for any part of it, the Directors may draw on the Treasurer at any time, and may use the same for any legitimate school purposes whatever. A simple order is sufficient; no schedule need be filed with such order. This view does not conflict at all with the provisions of the 53d section, in which the authority of the Treasurer to pay teachers is conditioned upon the filing of schedules. That section simply makes the filing of schedules essential to the claim of a given district in the *original distribution* of the funds; it has nothing to do with the disposition of the surplus *after* such distribution—*that* is provided for in the 34th section, upon *which* the foregoing remarks are based.—*Bateman.*

THE MONEYS apportioned to districts on account of *census* and *schedules* constitute *one fund*, and Treasurers will hold the same as such, to be paid out on the orders of Directors.

Treasurers will make no distinction whatever, between the money apportioned to districts by *census* of children, and by *schedule.* The two parts must be placed to the credit of the several districts and held by the Treasurer, on precisely the same conditions; subject to be paid out on schedules and other orders drawn by the Directors; as fully explained in the former part of this circular.

The sole purpose of the Legislature, in the amendment to the 34th section was to benefit the agricultural districts, which cannot have as many months school in the year, as districts in the towns and villages—*not* to create two distinct funds, subject to different regulations.—*Bateman.*

THE TREASURER need not as a matter of duty go behind an

order drawn by the Directors, to inquire into its correctness or legality; but if he certainly *knows* that an order is *illegally drawn*, he may refuse its payment. As, if a Teacher be employed who has no certificate, and his schedule be certified to and filed by the Directors, who order its payment, the Treasurer may withhold the money so ordered, if he *knows* the Teacher to be unqualified to teach under the Law. To allow the order under such circumstances, would be a misapplication or perversion of the moneys in his hands.

Where Directors employ a Teacher who has not a certificate, as required by Law, and the Treasurer is so informed officially by the School Commissioner, and yet the Directors certify to the schedule of said Teacher, the Treasurer should not pay it. It would be a case of open fraud and should not be overlooked. Known and palpable fraud always vitiates. It is the official duty of the Commissioner to examine all Teachers. He is not bound to inform Treasurers as to who have or have not legal certificates —but if, in any case, he *does* officially lodge such information with the Treasurer, the latter is bound to notice it, and not willfully aid in the violation of the Law.—*Bateman.*

The amount of fines and forfeitures accruing to the school fund of each township, under *Section* 82 is to be ascertained by the Treasurer thereof, and reported to the School Commissioner of the county semi-annually, according to the following instructions issued by the State Department in 1860:

It shall be the duty of the Township Treasurer, of each and every township in which there is a justice of the peace, excepting incorporated towns or cities, as soon as practicable after the receipt of this circular, to examine the docket of said justice, in respect to moneys belonging to the school fund, and to report the result of said examination to the School Commissioner. And semi-annually thereafter, each Treasurer as aforesaid, shall *repeat* said examination of said justice's docket, and report to the School Commissioner as aforesaid, on or before the 15th day of March and September—so that the School Commissioner can include the amount of funds so collected, in his semi-annual distribution to the different townships of the county.

And it shall be the duty of each and every Justice of the Peace aforesaid, to give to the township Treasurer aforesaid, full and free access to his docket, for the examination aforesaid, and to pay over to the said Treasurer any and all funds collected and in his hands, and belonging of right to the school fund, taking the receipt of the Treasurer therefor. But Justices of the Peace are not, hereby, released from the duty of paying over said fines, &c.,

to the School Commissioner as required by Law, nor is the Commissioner absolved in the least, from any duty, in the premises, devolved by Law upon him.

The first examination required herein shall reach back to the date of the election of the present acting Justice—and each subsequent examination, to the date of the preceding one. Upon receiving the report of the Treasurer, the School Commissioner will have exact and reliable data upon which to act. And when said reports shall reveal the fact that moneys collected and belonging to the school fund, remain in the hands of any Justice of the Peace, it shall be the duty of said Commissioner to institute legal proceedings for the recovery of the same, as required in the 82nd section of the act.

When funds are paid by the Magistrates to Treasurers, the latter shall pay over the same to the School Commissioner without delay and take his receipt therefor.

THE APPOINTMENT of a new Treasurer by a Board of Trustees is in law and in fact a removal of the prior officer.

THE APPROVAL of the bond of a Treasurer is sufficiently evidenced by the official endorsement on the bond of the names of the Trustees.

These points have been decided by the Supreme Court, in the case of *E. S. Holbrook et al.* vs. *Trustees of Schools of Township* 33 *North, of range* 1 *East*, reported in vol. XXII Ill. Rep. p. 539. This case was an action of debt, commenced in the Circuit Court of LaSalle county by Trustees aforesaid, against Holbrook, township Treasurer, and his securities, for the recovery of school moneys in the hands of said Holbrook, which he had refused to pay over to his successor in office. The record shows that E. S. Holbrook was appointed Treasurer in April, 1850; that he held said office until April, 1856, when D. L. Hough was appointed as his successor; that immediately upon being appointed, and duly qualified by executing bond which was approved, Hough demanded of Holbrook the school moneys in his hands, amounting to $1,693.39; that Holbrook refused and neglected to pay over said moneys to Hough, though often requested to do so, and that he still held possession of the moneys at the time the action was brought. Holbrook held that Hough was not legally appointed, because no vacancy existed in the office of Treasurer at the time of the appointment of the latter, and because, also, the bond of Hough had not been approved *in a meeting* of the Board of Trustees, but only by the official signatures of said Trustees.

The verdict was given in the Circuit Court for the plaintiffs; whereupon the case was brought by appeal to the Supreme Court, and the judgment of the Court below was affirmed, the opinion being rendered by Judge CATON. The following is quoted from the decision:

We shall first consider the sufficiency of the declaration. We think the answer to the objection, that it does not show that there was a vacancy in the office of Treasurer at the time of Hough's appointment, is a good one. The statute gave to the Trustees the power to remove the Treasurer at pleasure. Possessing such a power, the appointment of another in the place of Holbrook was, of itself, a removal of him from that office. It did not require a separate antecedent order of removal. Had the law required them to spread upon their records the reason for the removal, or even authorized them to remove only for good cause, the rule might be different. The declaration avers that Hough was duly appointed and qualified, and it is objected that it should have shown the *quo modo* of his qualification to the office. We think the averment sufficient. The fact of qualification is the natural fact of the case, and it was not necessary to plead the evidence which would be adduced in support of that fact. Even where a Justice of the Peace is justifying in an action of trespass for having issued an execution, which has been levied on the plaintiff's property, it is only necessary for him to aver that he was a Justice of the Peace, duly elected and qualified as such, without stating the mode of election or qualification. It is objected that the bond of Hough, the successor of Holbrook, was not approved by the Board of Education as required by the School Law. The approval was evidenced by the members of the Board endorsing an approval on the bond, and signing it with their proper hands and official designation. In this, the Board followed the precise form pointed out by Section 52 of the School Law, which would seem to be a sufficient answer to the objection.

A TREASURER is holden on his bond for the moneys deposited with him, and the law will compel him to make good any loss that may accrue to the school fund by reason of his failure to pay over moneys confided to his custody.

This principle is confirmed in the case of *Andrew J. Thompson et al.* vs. *Trustees of Township* 16 North, of range 3 West, reported in vol. XXX, Ill. Reports. The following were briefly the facts in this case. Thompson was school Treasurer of the township aforesaid, and had in his possession on April 1st, 1860, school moneys belonging to the township to the amount of $608.85, said moneys being deposited in an iron safe, which was kept

locked. About the 7th of the same month, the moneys were stolen from the safe in which they had been deposited, having been taken without the knowledge of Thompson, and without any fault of his. The Trustees, having demanded the moneys of Thompson, who declined paying them over on account of their having been stolen, brought suit against him (Thompson,) for the recovery of the amount aforesaid, in the Sangamon County Circuit Court, and obtained a judgment against him. Thompson appealed the case to the Supreme Court, and the opinion of that Court is given, in substance, following:

The only question made is, as to the liability of the Treasurer and his sureties, on these facts. It is contended by them, that they are not liable on the bond, as the bond does not oblige the Treasurer safely to keep the money coming to his hands, but he is only liable as a bailee and responsible only for want of ordinary care.

Section 55, of the act to establish and maintain a system of Free Schools, provides, that the township Treasurer shall, before entering upon his duties, execute a bond with two or more freeholders, &c., or securities payable to the board of the township for which he is appointed Treasurer, &c., conditioned faithfully to perform all the duties of township Treasurer, &c., according to law.

The condition of the bond is, that if the above bound township Treasurer, shall faithfully discharge all the duties of said office according to the laws which now are or may hereafter be in force, and shall deliver to his successor in office, all moneys, books, papers, securities and property in his hands as such township Treasurer, then the obligation to be void, &c.

As it is gravely urged by the counsel for the plaintiffs in error that the duties of township Treasurer do not embrace keeping safely the moneys coming to his hands for the use of schools, it becomes necessary to examine the statute in that respect.

Section 56 provides that the township Treasurer shall provide himself with two well bound books, the one to be called a cash book, the other a loan book. He shall charge himself in the cash book with all moneys received, stating in the charge from whom, &c., and shall credit himself with all moneys paid or loaned, the amount loaned, &c. He shall also enter in separate, moneys received and moneys paid out, charging the first to debit account and crediting the latter as follows, to wit: 1. The principal of the township fund, when paid in and when paid out. 2. The interest of the township fund, when received and when paid out. 3. The Common School fund, and other funds, when received from the School Commissioner and when paid out. 4. The taxes

received from the county Collector, &c. 5. Donations received. 6. Moneys coming from all other sources, &c.

By Section 62, the township Treasurer is required to demand, receive and safely keep, according to law, all moneys, books and papers of every description belonging to his township.

By Section 64, for any failure or refusal to perform all the duties of township Treasurer by law, he shall be liable to an action on his bond, &c. By Section 72, he is allowed to retain two per cent. upon all sums paid out or loaned by him, except upon moneys raised by any district tax.

These citations, furnish a full answer to the point made by the counsel for the plaintiffs in error and to his argument in support of it.

The fact that the township Treasurer is required to 'receive money, and enter it in his cash book, implies, without any other special regulation, that he is to keep it safely. This is one of the duties of his office he has undertaken faithfully to discharge. Another duty no less imperative is that he will deliver to his successor in office, all moneys in his hands as such township Treasurer. Which he could not do if he suffered it to be lost out of his hands, or it should be so lost, by any accident. The understanding is that the money shall be in hands. These duties he has undertaken to perform unconditionally; besides all this he is required, by section 62, to receive and safely keep, according to law, all moneys, &c., belonging to the township.

We cannot discover a shade of difference between this and the case of the United States vs. Prescott, Howard 578, cited by the counsel for the defendant in error. As in that case, so here is an undertaking safely to keep the money, by the very face of the language of the condition of the bond, independent of the provisions of the sixty-second section. In no sense is this a case of bailment. The liability of the Treasurer arises out of his official bond. He has made by that bond, one express contract with the Trustees, that he will keep safely the moneys which shall come to his hands. It is so "maintained in the bond," when that is read in the light of the statute prescribing his duties, and considerations of public policy forbid that he should be permitted to avail of any extraneous fact outside of the condition of the bond. The Treasurer well knew and understood the contract he had entered, and the extent of the obligation he had voluntarily incurred, and he has obtained all he contracted for; the possession of the office with the emoluments attached to it.

We think there is no principle on which the defence can be sustained, the contract being absolute. In these days of remorseless peculation upon the public, by its functionaries, indeed at all times, public policy demands, that depositories of the public money, should be held to the most rigid accountability within the terms and scope of their covenants.

They know well on assuming their positions, the hazards to which they are exposed, and they voluntarily, assume the risks, and are paid for so doing.

Township Treasurers, under our statutes, sections of which we have cited, are made insurers of the funds coming to their possession, and nothing should or can excuse them but the act of God or the public enemy. There would be no surety to the public were not this the rule. A distinct and well defined liability is imposed on them by statute, and if it be not met to its fullest extent, the omission whether resulting from misfeasance or negligence or unavoidable accident, or by a felony committed by another, furnishes no defence to the action on the bond.

s action thereon: *Provi*

SCHOOL DIRECTORS.

Directors are authorized and required to establish in their respective districts a sufficient number of schools to accommodate all the school-going children within their jurisdictions. If one school is not sufficient for the wants of the district, the number should be increased, until suitable accommodations have been provided for all.

The impression extensively prevails, that only one school can legally be maintained in the same District. So far is this from being true, that it is the imperative duty of the Directors to establish as many schools as the wants of their District require. If they should fail or refuse to do this, the inhabitants have undoubtedly a legal remedy. The language of the Law is peremptory: The Directors, "*shall* establish and keep in operation, for at least six months in each year, *a sufficient number of free schools* for all the children in the District, over the age of five and under twenty-one years." In conformity with this requirement they may, when the exigencies of the District demand it, hire or rent suitable rooms or houses for schools, at places most convenient for the accommodation of the children, without a vote of the people.—*Bateman.*

Schools may be continued by the Directors beyond six months, without a vote of the people, when there is a balance of public money remaining sufficient to defray the expenses of said schools. It is only when it is necessary *to levy a tax* to continue schools that Directors must consult the people.

The Law fixes no limit to the number of months a district *may* have a school. It only says that each district *must* keep at least six months, as a condition of receiving public money—leaving it optional with the Directors to extend the time or not. But *Section* 48, as amended, requires a vote of the people to *levy a tax* to continue schools beyond six months. If the public money is sufficient to sustain a school the entire year, even without a district tax, the Directors have full power to keep their school open the whole time.—*Bateman.*

No provision of the Act is at all restrictive of the right of each district to have a school as much *more* than six months as it chooses, provided, that if a *tax* is necessary to continue the school, the *people* must vote it. In many districts the public funds are sufficient to maintain a school the entire year without any district

tax at all. No one can doubt that the Directors of such districts may, *as Directors*, without a reference of the subject to a popular vote, extend the term of school to eight, ten or more months, at their option.—*Ibid.*

Directors are authorized to appoint and establish rules and regulations for the government of pupils attending schools under their control. In exercising this authority, Directors will prescribe such rules as will, in their judgment, be best calculated to promote the good order, discipline, and usefulness of schools. Directors have full power to suspend or expel rebellious pupils from the privileges of the school. The following paragraphs are quoted from a decison of the Department, which was rendered for the purpose of defining the jurisdiction of Directors and Teachers over pupils attending school, and what control may be exercised by the Board and the Teacher over such pupils *out of school hours.*

It is the legitimate province of the Directors to adopt and enforce a code of specific rules and regulations for the government and discipline of their schools.

The patrons of the school are bound, not only by the express provisions of law, but also by the nature of the implied compact between the parties, and by the obligations of moral justice as well as necessity, to acquiesce in and support the government of the Directors.

In respect to details it is hardly practicable to lay down any precise rules which would be of universal application. But every school-government, to be efficient, must be *strong and decisive;* the law wisely makes it so; the necessities of the case demand that it shall be so.

That Directors have the right and power to prohibit pupils leaving school *during school-hours*, for any cause whatever, except sickness, or some urgent necessity, there can be no doubt at all. To *this* extent, at least, the powers of Directors rest upon the ground of clear and unquestionable legal right.

What jurisdiction and control, if any, the Directors and Teacher may exercise over the pupils *beyond* this point, it is not so easy to determine. We here pass the boundary of clear and well defined authority, and enter the domain of comparative uncertainty and doubt, where usage, circumstances, and expediency, must be our guide.

If the Teacher insist upon uniformly thorough and excellent recitations, according to the several abilities of the scholars, which it is undoubtedly his right and duty to do, then, whatever hinders or prevents the attainment of the required standard of excellence, must of necessity be dispensed with; and thus an evil may be reached *indirectly* which can not be directly proscribed. A

Teacher can not say to a scholar that he shall not, out of school-hours, go a hunting, or fishing; that he shall not attend picnic, dancing, or other parties; but he *can* say that every lesson and exercise of the school shall be promptly and faithfully learned. If the scholar can comply with this demand and still have leisure for those pastimes, he has a perfect right to indulge in them, so far as the Teacher and Directors are concerned. If he can not do both, the alernative is before him; the school authorities can not relax or relinquish their legitimate demands.—*Bateman.*

The School Law confers the *right* to attend public schools only upon persons over five and under twenty-one years of age. Nevertheless, Directors in the exercise of a prudent discretion may admit persons over twenty-one. Such persons should be charged a fee for tuition, and their attendance should be registered in a separate schedule.

Those only who are over five and under twenty-one years of age have a legal claim to the privileges of the public schools. But Directors have, in my estimation, some discretion in the premises. They *cannot refuse* any whose ages are within the prescribed limits, but they may in special cases, and when the interests of the school will not in any manner be compromised thereby, receive persons over twenty-one, either residents or non-residents. The persons so received should be charged a reasonable tuition fee, and their attendance noted in the schedule the same as other scholars.—*Bateman.*

Directors have the right to order what branches shall be taught, and the Teacher has no option, but must obey the rules with reference to the studies to be taught in the school which the Directors prescribe.

The law makes the Directors the sole judges of what the interests of the schools in their district require, and clothes them with full authority to promote and protect those interests in every just and legal manner. The proviso of the 50*th Section* authorizes the teaching of a foreign language in our public schools, and it is equally clear that the higher mathematics may also be taught, when the Directors think proper to introduce them. But the whole subject of studies and text-books is left to the discretion of Directors, who alone have the power to prescribe what branches shall be taught. The Teacher must conform to the rules and regulations established by the Directors; if the latter direct that algebra, or any other particular subject, shall be taught, the former must teach it—he has no option in the premises. If the teaching of that or any other branch is forbidden by the Directors, the Teacher must be governed by his instructions.—*Bateman.*

DIRECTORS cannot legally unite a *public school* under their control with a *private school*, surrendering their right to manage and supervise the interests of said school to Trustees of a seminary or academy.

No such compromise [between Directors and the Trustees of a private school] can be legally entered into. It is a fundamental requirement of the School Law that all schools established under it shall be subject to the exclusive direction and control of a regularly elected Board of School Directors, and be perfectly free for at least six months in the year to all the children of lawful school age in the district.—*Bateman.*

DIRECTORS may dismiss a Teacher, if they judge him incompetent, although he may possess a certificate of qualification from the School Commissioner.

A legal certificate *ought* always to be conclusive proof of competency, but from the careless and superficial manner in which examinations are often conducted, certificates are frequently issued to persons totally unworthy to receive them. In such cases, if the Directors have a higher standard of competency than the Commissioner, they have a right to require the Teacher to conform to that standard, and in default, to dismiss him. Each Board of Directors may determine for themselves the question of competency, so far as their own school is concerned.—*Bateman.*

IN DISMISSING a Teacher, it may not be *legally* required of Directors that they assign the cause of dismissal, but it is required by every just and moral consideration that they do so.

For "incompetency, cruelty, negligence or immorality," Directors may, at any time, dismiss a teacher, either with or without assigning reasons—with or without specific allegations and proof. But, any teacher feeling aggrieved by the action of the Directors, can *sue* them for his wages, and other damages, and thus *compel* them to show cause for the dismissal, and to support their allegations by adducing adequate proof.—*Bateman.*

A CONTRACT entered into with a Teacher by Directors is binding upon their corporate successors.

Directors can employ a Teacher for a year, and their successors in office would be bound to fulfill such a contract in good faith.—*Powell.*

Directors are a "body politic and corporate" in the fullest sense of that phrase; and hence, all the legal acts and contracts of one Board are binding upon their successors.—*Bateman.*

A Director cannot be employed to teach a school by the Board of which he is a member.

A Director cannot be legally employed by the two remaining Directors as Teacher. The Director so employed would manifestly be interested in a contract made by the Board of which he is a member.—*Bateman.*

The wife of a Director, or a son, or a daughter may be lawfully employed to teach a school by the Board to which such Director belongs.

The point has been raised, whether a Board of Directors may lawfully employ *the wife* of one of their number as Teacher; whether it would be in conflict with the principle that "no Director shall be interested in any contract made by the Board of which he is a member." *One* of the Directors would certainly be *interested* in such a "contract" as the above, but not in the sense and manner prohibited by statute. There is no *legal* impediment whatever in the way of such a transaction.—*Bateman.*

Two Directors may employ the son of a third as Teacher. The case does not fall within the prohibition mentioned in the last clause of the 42nd section of the Act.—*Ibid.*

Directors cannot, in their corporate name, legally borrow money to pay the salary of Teacher.

The law makes no provision for borrowing money to pay Teachers. The Directors may borrow money as individuals, but not as Directors, to pay Teachers' wages.—*Powell.*

An order may be drawn by Directors at any time in favor of a Teacher, if there is a balance of unappropriated money in the hands of the Treasurer belonging to the district.

Directors may draw an order on their Treasurer in favor of their Teacher *at any time, provided there is a balance* belonging to their District in the hands of the Treasurer; otherwise, the Directors cannot draw on the Treasurer, nor can the latter pay over any money to the Teacher until his schedule has been filed. —*Bateman.*

In case Directors are sued by a Teacher for his wages, and the latter obtains judgment, the district in which the school was taught is alone liable for the amount. The following decision applies to a case where Teacher sued Directors for wages, and obtained judgment. The court issued a *mandamus* against the Trustees, Treasurer, and Directors. The district had

not money enough on hand to pay the judgment. The Trustees applied to the Department to know whether the judgment must be paid out of township moneys, or out of moneys belonging to the district exclusively:

The "mandamus" bears *primarily* upon the *Directors*. If there is money enough in the hands of the township Treasurer, *belonging to the district*, to satisfy the judgment, the Directors must draw an order on him, in favor of the Teacher, for the amount of the judgment, with interest and costs, and the Treasurer must promptly honor the order. If there are not funds enough, belonging to the district, then the Treasurer must pay the judgment from the *first moneys accruing to said district*, and the Directors must, if necessary, levy a special district tax to make up the deficiency. The language of the *49th Section* is not entirely clear, so far as it relates to the obligations of Directors. But it cannot be supposed that a judgment against a single district should be satisfied out of funds *not yet apportioned* by the Trustees to the several districts—such as interest on the township fund, &c. To do this would be to cause *all* the districts in the township to suffer for the delinquency of *one*. The amount of the judgment might be so large as, (if the above view should be adopted,) utterly to derange the financial condition of all the districts—rendering it impossible for any one of them to meet its current obligations. The injustice of such a course is so manifest, that it could not have been contemplated by the Legislature. The consequences of debts and judgments should be restricted, as far as possible, to the individual district or districts incurring them.—*Bateman.*

Directors must certify all schedules of schools taught in their district, whether they be regular or separate schedules, and file the same with the township Treasurer at least two days before the semi-annual meeting of the Board of Trustees.

The Directors of the district in which the school is taught certify to all the schedules. They alone are supposed to know that the schedules are correct.—*Powell.*

It is the duty of the Directors to carefully examine the schedule, correct all errors, certify to its correctness, sign the certificate by at least two of their number, and file it with the township Treasurer. If the Directors fail to make the necessary corrections, or to properly certify and sign it, or to return it in good season to the Treasurer, so that the schedule is forfeited or rejected through their neglect, they are personally liable for the loss sustained through such failure or neglect. I know it is customary for the *Teacher* to return the schedule to the Treasurer;

but the *duty and responsibility* are devolved by law upon the *Directors.*

Directors cannot certify to a schedule which reaches back more than six months from the time appointed for the return of such schedule to the township Treasurer.

In case Directors fail to certify to a schedule legally kept, in time for it to be apportioned on, or neglect to file it with the township Treasurer as required by Law, they are personally liable for the loss sustained, and damages may be collected by the Teacher at law.

It is not lawful for Directors to order and receive moneys raised as district tax directly from the collector of said tax. The moneys so raised can only reach the Directors legally through the hands of the township Treasurer, who is the only responsible keeper of school funds.

The township Treasurer is the only lawful and responsible custodian of all school funds belonging to the township. No money can legally reach the Directors or their creditors, through any other channel than the township Treasurer. He is the only township school officer who is under penal bonds for the safe keeping of the funds. The practice, therefore, which has grown up in many parts of the State, of presenting orders for district tax money, to the town or county collector, and drawing payment thereon, before the money has passed into the hands of the township Treasurer, is in direct and palpable conflict with both the spirit and letter of the law, as expressed in *Sections* 34, 40 and 45, of the Act of 1859, and should be at once discontinued. The practice is a manifest infringement of the official rights and duties of the township Treasurer—is often grossly unjust to a portion of the districts in the township, and is fraught with imminent danger to the safety of the funds.—*Bateman.*

Directors cannot be compelled to pay Teachers' wages until after the township apportionment next following the presentation of schedule. The following decision was given in a case where a Teacher, having engaged to teach three months, taught but about one-half the time stipulated for, having been dismissed by the Directors. The Teacher waited until the three months had expired, and then brought suit against the Directors for his wages for the whole time he had engaged to teach. The Court decided that, "the contracts of Directors with Teachers are understood to be *credit* contracts, and Teachers cannot sue for their

wages until after apportionment." The decision of the Department is thus given:

The Directors, one of the parties to the above contract, are officers whose powers, rights and duties are prescribed by law. Twice a year only, namely, the first of April and October, the Directors receive school funds. Their obligation to pay, being *corporate*, not personal, they could not be compelled to pay the Teacher out of their private funds, but only out of the school funds. If then, it should be held, that the Directors are liable to pay prior to April or October, it would follow, that they are required by law to pay money before the law itself enables them to do so, by placing that money at their disposal—a conclusion, the unreasonableness of which is self-evident. The law cannot require an impossibility. The decision of the court was a legitimate deduction from the 34*th Section* of the present Act. The moment the 52nd, 53d and 54th *Sections* of the Law have been complied with by the Teacher, the Directors may give him an order on the Treasurer; but no court could compel its payment until after the first Monday in April or October.—*Bateman.*

School moneys in the hands of a township Treasurer, belonging to a district can only be paid out on the order of the Directors of said district.

All school moneys, without distinction, that are or may be in the hands of any township Treasurer to the credit of a particular school district, shall be paid out only on the order of the Directors of said district. This applies equally to all school funds, state, county, township, special district taxes, proceeds of sales of district property, etc.

Orders drawn by Directors for the payment of money in the hands of the Treasurer and belonging to the district, must specify the use to which the money is to be applied, and must be signed by at least two members of the Board.

All orders must state the specific purpose or *indebtedness* for which they are drawn, otherwise they will not be legal, and all orders, to be legal, must be signed by a majority of the Board of Directors, or by the president and clerk of said board.—*Bateman.*

Special district tax moneys are under the *exclusive* control of the Directors of the district to which such moneys belong, and can only be paid out on the order of said Directors;—Trustees having nothing whatever to do with such funds.

Directors are not *personally* liable for the consequences of their *corporate* acts, performed under the Law. But for acts performed without warrant of law, they are personally liable.

Directors may be sued *as Directors*—not as individuals. Their private property cannot be taken in satisfaction of any judgment obtained against them in their official character as Directors.—*Bateman.*

The liability of Directors for all debts legally contracted by them as such, is a corporate, not a personal, liability. They can be proceeded against for the recovery of all just claims, as Directors, not as individuals. Teachers and others are often non-suited in actions of debt against Directors, for failing to observe this distinction in the form of proceedings. No claims are surer of being ultimately paid than those legally held against Boards of Directors; for, to the liquidation of such debts, the whole taxable property of the district is pledged, and sooner or later the amount must and will be made, by taxation or otherwise. The Act [*Sec.* 49] expressly authorizes the court where judgment against any Board of Directors is obtained to enforce payment by attachment or *mandamus*, compelling said Board to levy a tax, if necessary, to pay the amount of said judgment, with interest and costs. But it must be remembered that the property of Directors as individuals, is not liable for such debts.

The foregoing remarks do not apply, of course, in case of malfeasance, or neglect of official duty, on the part of Directors. For losses caused by illegal acts, or through failure to perform duties enjoined by law, Directors are personally liable; because in such cases their relation to the district is changed; it ceases to be of a legally representative character, and hence, their acts not having the sanction of law, they and their property, and not the district and its property, must be held answerable for the consequences. The district is responsible for contracts made or debts incurred *under the law*, and for no others.—*Bateman.*

Where a notice of an election, [as for Directors, and to locate a school house site,] for a school district specifies several purposes, in such a way as to leave no doubt of its meaning, it is held to be a sufficient notice, although there may be some unimportant omission in the body thereof.

Where it appears that a site for a school house has been chosen, it will not be invalidated because the clerk has made irregularities or omissions in describing the site selected.

The omission to tax some property [for the building of a school house] in a school district will not vitiate the tax.

EQUITY will not restrain the collection of a tax levied [for the building of a school house] by officers *de jure* or *de facto*, because of irregularities in their levy and collection.

The principles above stated have been determined by the Supreme Court, in the case of *Stephen Merritt et al.*, vs. *John G. Farris et al.*, reported in vol. xxii Ill. Rep., p. 303. This case was appealed to the Supreme Court from the Circuit Court of Marshall county, by Stephen Marshall *et al.*, the appellants having filed a bill in chancery as complainants in the court below, to enjoin the collection of a school tax levied by John G. Farris *et al.*, School Directors of district No. 10, in township 13 north, of range 9 east, in Marshall county. Complainants alleged in the court below that no election was ever held in said district No. 10, for the purpose of selecting a school house site, or for building a school house, no notice for such an election ever having been given or posted up; that there were several persons, residents of the district, owning taxable property, upon which no tax had been levied for school purposes; that the site upon which the school house was erected was not particularly described by the clerk of the election, in his record; and that the tax was not levied and collected by officers of the district, but of the township. The injunction was granted, and at the same term the respondents filed their answer and affidavits in its support, and moved the court to dissolve the injunction, which was done and the bill dismissed. Complainants then appealed, alleging the following errors: 1. The court erred in dissolving the injunction, and dismissing the bill; 2. The court erred in not making said injunction perpetual. The following is taken from the opinion of the Supreme Court:

The complainants, by their bill, seek to enjoin the collection of a district school tax, because of alleged irregularities in its levy. The first objection urged is, that the notice calling the election is not sufficiently specific as to the purposes of the election. It specifies the objects to be, for the purpose "of electing three Directors, for selecting a school house site for a school house for said district." The notice clearly specifies the first object to be the election of three directors, and another object, clearly indicated by the last clause, was for the selection of a site by the voters, upon which to erect a school house. It is true that the person drafting the notice omitted the copulative conjunction "and," after the word "Directors," and before the words "for selecting," but we cannot see that there is any doubt in its mean-

ing, and it would have been no plainer if the omission had not occurred.

It was likewise insisted, that the site for the school house was not selected by the voters of the district. The answer and evidence shows that a site was chosen by a majority of the voters, but the clerk of the election did not describe it by metes and bounds, but only by general reference. The answer and affidavits also show that the site thus selected has been conveyed to the district, by the person who owned it at the time it was selected. This being the case, no objection is perceived to the levy of the tax for the reason urged. It is not believed that it is material to the validity of the selection, that the clerk of the election should describe the place chosen with precision, in entering upon his records the fact that the voters made choice of a site. His record in no way alters or controls the fact of the site having been selected. It is a fact that he has no power to alter or control. And when the selection has been made, and the district has obtained the title to the property chosen, the object of the law has been attained, and trifling and unimportant matters of form should not be permitted to defeat the purpose of the law.

It was also insisted that a portion of the persons in the district liable to taxation, as well as a portion of the taxable property in the district, were not assessed, and that the tax was thereby rendered void, as being in violation of the 5th section of the 9th article of the State constitution. That provision is this: "The corporate authorities of counties, townships, school districts, cities, towns, and villages, may be vested with power to assess and collect taxes for corporate purposes; such taxes to be uniform in respect to persons and property within the jurisdiction of the body imposing the same." It is first urged that this levy is not warranted by the constitution, because it is not uniform as to persons and property, within the jurisdiction of the corporate body imposing the tax. The constitution, in its application to the various departments of the government and to individual rights, must receive such a construction as to give it a practical operation. It must be so applied as to promote and effect the objects of its adoption, and not to defeat the end for which it was established. Equality is provided for, both as to persons and property, in the levy and collection of all taxes by the constitution, whether for State or other purposes. And to hold that the omission to assess an individual, or to assess property liable to taxation under the revenue laws, will render the whole tax levied under that assessment, to the extent of the revenue of which it forms a part, to be void, instead of accomplishing the object of the constitution, would only render its provisions authorizing the collection of revenue inoperative. If the omission to assess an individual, or to assess property liable to assessment, would render the whole district school tax void, it would for the same rea-

son render the whole township, county and State levies equally so, when made by the same officer assessing for each of them. These taxes are all levied on the assessment made by the township or county assessors. And if his omission to assess property destroys the equality of the entire tax of the district, it has the same effect upon the State, county, and township tax, as the omitted property is liable to be assessed for all of these purposes, and its omission increases the burthen of other tax-payers to the extent of the amount it would have yielded. The framers of the constitution could not have designed that such an omission should avoid the tax levied upon the property which is regularly assessed. They intended to require, and did require, that the law should provide for a uniform mode of assessment and collection, which would not sanction exemptions from the burthens of taxation, and they imposed the duty upon the officers acting under the revenue laws, of executing them fairly and impartially, but it never could have been intended that their omissions should render the whole tax void, and to suspend the collection of the revenue. If an officer wilfully and corruptly, or from gross negligence, were to make such omissions, he would doubtless be liable to make compensation in damages to those suffering injury.

It was also urged, that this tax was not levied and collected by the school district, as contemplated by this provision of the constitution, as the assessment was made by the township assessor, and collected by the township collector, but it could only be assessed and collected by the officers of the district. The law authorizes the Directors to adopt the general assessment for purposes of taxation, and upon it to make their levy, and when made it is collected and paid over to them. The various officers concerned in the collection of the district school tax are, for the purposes of that tax, under the law as fully district officers as if they were elected for the purpose by the voters of the district. And the mode adopted for the assessment and collection of this tax leaves it entirely under the control of the district, and when it is done, the assessment and collection of the tax is virtually made by the district.

This court, in the case of *Munson* vs. *Minor*, and in the case of *Chicago, Burlington and Quincy R. R. Co.* vs. *Frary*, held that equity will not restrain a tax levied by officers either *de jure* or *de facto*, where the power to levy a tax is an incident to their office, and that mere irregularities and informalities in its levy and collection will not be enquired into by a court of equity, but that the parties supposing themselves aggrieved will be left to seek their remedy at law. In this case we find these defendants acting as Directors, and the law having conferred upon them the power to levy this tax, even if the objections had as a matter of fact been well founded, we could not hold that a court of equity has the power to grant relief.

The decree of the Circuit Court must be affirmed.

TEACHERS.

It is required of Teachers who apply to teach a district school, that they exhibit to the Directors, *before their employment* by the Board, a certificate of qualification obtained from the School Commissioner of the county in which they propose to teach. Failing to comply with this plain requirement of the Law, Teachers are not legally entitled to any portion of the public moneys, as compensation for their services. Decisions upon this subject from the Department and the Supreme Court are subjoined:

The provisions of the statute in relation to Teachers' certificates are found in section 52, which is as follows:

"No Teacher shall be entitled to any portion of the common school or township fund, or other public fund, or be employed to teach any school under the control of any Board of Directors of any school district in this State, who shall not, before his employment, exhibit to said Board, or to a committee of said Board, a certificate of qualification obtained under the provisions of this act; nor shall any Teacher be paid any portion of the school or public fund aforesaid, unless he shall have kept and furnished schedules as herein directed."

This language is clear, explicit, and peremptory. It forbids any Board of Directors to employ a Teacher until he exhibits his certificate. A school taught by a person who has not the proper certificate, is not "conducted according to law"—is not a public school within the meaning of the Act. The school law, one of its essential requirements not having been complied with, does not recognize such a school. The school funds cannot be used for the support of the school in such a case. The Teacher must look elsewhere for his wages. He has no recourse upon the school fund. As to the question of the personal liability of the Directors in such cases, there is a difference of opinion among legal men. I do not undertake to decide it. Teachers should not rely upon recovery in that way.

But the section quoted goes further. It not only forbids the *employment* of Teachers who have not valid certificates at the time of being so employed, but peremptorily forbids the *payment* of Teachers so employed out of "the common school or township, or other public fund." Should a Teacher be permitted to

close his schedule without complying with the provision of law under review, it is manifest that the Directors cannot certify said schedule in the prescribed form; for the law requires them (Sec. 53) to declare, in express terms, that the "Teacher *has* a legal certificate of good moral character and of qualifications to teach a common school," and that the school "*was* conducted according to law." No schedule is legal or valid, nor can a township Treasurer accept or in any manner recognize or pay a schedule, in which the above facts are not expressly set forth in the certificate of the Directors. But how can the Directors affirm that the Teacher *has* a certificate, when they either do *not know* that he *has*, or *do know* that he has *not?* Or, how can they assert that the school was "conducted according to law," when they know that unless the Teacher has a legal certificate his school cannot be conducted according to law?

But if the Directors should, either in ignorance or in deliberate violation of the law and of truth, venture to certify the schedule, in the case supposed, it would, nevertheless, be the duty of the Treasurer to refuse payment, provided he was formally and officially apprised of the facts in the case. For, although a Treasurer can not, as a general rule, go behind the schedule and challenge the truth of the Director's certificate, yet he is bound to do so in case of such manifest disregard or violation of law as the one under consideration; *provided*, as before said, that he has positive and official information on the subject.

The usual apology offered by Directors and Teachers in extenuation of the conduct complained of is *ignorance* of the law, or unintentional *neglect.* But it is manifest that neither of these pleas can be entertained for a moment in justification of the infraction of so express and mandatory a provision of law as that contained in the 52d section of the Act. In respect to the *former*, it may be said that even if we should waive the legal maxim that every citizen *is presumed to know the law*, it would remain as a bar to the plea, that the section of law in question has not been changed in word or letter since the foundation of our present system of public instruction. The plea of *neglect* is worse than none at all. It is simply a confession that the law was violated willfully and without excuse, without even the pretence of ignorance. But such pretexts are too frivolous for serious argument.

In all cases, therefore, embraced in the inquiries to which these remarks are intended as a reply, it will be proper for the School Commissioner to notify the Treasurer concerned, in writing, not to pay any portion of the school fund upon schedules of schools taught by persons not having legal certificates. Said notices should specify particularly the township, district and Teacher referred to, and the length of time during which the Teacher taught without a certificate; the penal forfeiture applying, of course, only to such period of time. In like manner the School

Commissioner should apprise the Directors and Teachers concerned, of their action in the premises, and assure them that the forfeiture will cease as soon as the provisions of the law are complied with.—*Bateman.*

The case following, which was decided by the Supreme Court, and is reported in vol. xv, Ill. Rep., p. 65, establishes the main doctrine as held in the foregoing decision of the Department. The facts in this case were, simply, that the Teacher of a district school in Jefferson county, sued the Directors who employed her for the recovery of wages claimed for services rendered. The Teacher had entered into written contract with the inhabitants of the district; had taught the school for the term and in the manner required by the contract; had kept a schedule, as required by law; and had delivered said schedule to the Directors in due time, who refused to examine and certify it. The case was decided in the Circuit Court *against* the Teacher, and being appealed to the Supreme Court, the judgment was affirmed. The opinion of the Court here follows:

This was an action on the case, brought by Casey against the Directors of a school district. The declaration alleged that the plaintiff entered into a written contract with the inhabitants of the district, to teach a common school for one quarter, and to receive in payment the school funds belonging to the district; that "the plaintiff being then and there legally qualified to teach said school, and no objection being made thereto, in writing or otherwise, by the Directors of said district, or by the subscribers to the contract as aforesaid, of which they, the said defendants, being then and there the School Directors of said district, had notice;" that the plaintiff taught the school according to the terms of the contract, and the provisions of the statute in such case made and provided; that at the expiration of the quarter she made out a schedule, for the purpose of receiving the school funds belonging to the district, and presented the same to the defendants to be examined and certified by them; that there was then on hand a sum of money belonging to the district sufficient to discharge the amount due her for teaching the school; and that the defendants wholly refused to examine and certify the schedule. The Court sustained a demurrer to the declaration.

The 13th and 46th sections of the "Act to establish and maintain Common Schools," passed on the 12th of February, 1849, define the qualifications of Teachers, and prescribe the manner in which those qualifications shall be ascertained; and the 76th

section* provides, that "no Teacher shall be entitled to any portion of the common school or township fund, who shall not, before his employment, exhibit to the school directors of the district in which he proposes to teach, a certificate of qualification obtained under the provisions of section 13 or section 46 hereof." To entitle himself to any portion of the school funds, a Teacher must obtain the requisite certificate of qualification. And the certificate must be presented to the school Directors before the commencement of the school. This is the express requirement of the statute. The Directors are not bound to examine and certify the schedule of a Teacher who fails to comply with this requisition. Such Teacher must look exclusively to the subscribers for compensation. In this case the declaration is clearly defective. It fails to show that the Directors are guilty of any breach of duty. It contains no averment that the plaintiff procured a certificate of qualification and exhibited it to the Directors prior to the commencement of the school. This requirement of the statute is a condition precedent, and its performance ought to be distinctly alleged in the declaration. The general allegation that the plaintiff was legally qualified to teach the school, is not sufficient. The judgment is affirmed.

The following quotations are made from the decision of the Supreme Court, in case of *Smith* vs. *Curry et al.*, involving the same principle, and reported in 16 Ill., p. 147. The facts in this case are very similar to those in the case preceding. The Teacher (Martha Smith) had taught a school in Brown county from the 9th to 27th of September, 1852; was in possession of a certificate of qualification from the School Commissioner of said county; kept a schedule according to law, and on the 28th of September, 1852, presented it to the Directors of the district in which said school had been taught; but the Directors refused to certify and sign the said schedule. Suit was brought by the Teacher against said Directors in the Circuit Court of Brown county, and the case was tried before a jury, the verdict being found for the plaintiff. Motion was made by defendants for arrest of judgment, which motion was sustained by the court, and judgment rendered in favor of defendants for costs. The case was brought on appeal to the Supreme Court, and the judgment of the court below sustaining the motion for arrest of judgment, was affirmed. In their opinion, the court say:

* It was the 75th Section of the Law of 1849, and not the 76th, that contained this provision. The same provision, substantially preserved, is found in Section 52 of the present Law.

Section 76 of the "Act to establish and maintain Common Schools," passed on the 12th of February, 1849, provides that "no Teacher shall be entitled to any portion of the Common School or township fund, who shall not, before his employment, exhibit to the school Directors of the district in which he proposes to teach a school, a certificate of qualification obtained under the provisions of section 13 and section 46 hereof." In the case of *Casey* vs. *Baldridge*, 15 Ill., p. 65, which arose under that Act, this court decided that school Directors were not bound to examine and certify the schedule of a Teacher who did not obtain the requisite certificate of qualification, and present the same to the Directors before the commencement of the school. That was an action brought by a Teacher against the school Directors; and the declaration was held to be fatally defective, because it contained no averment that the certificate was exhibited to the Directors prior to the commencement of the school. It was said: "This requirement of the statute is a condition precedent, and its performance ought to be distinctly alleged in the declaration. The declaration in this case is equally obnoxious to the same objection. It is not averred therein, nor is it necessarily or fairly inferable from any of its allegations, that the certificate of qualification was presented to the defendants before the school commenced. If it was not so presented, the plaintiff is expressly prohibited from receiving any portion of the school fund of the township, and the defendants were not guilty of any breach of duty in refusing to examine and certify her schedule. Nor was this defect in the declaration cured by the verdict. After verdict, it may be intended that every essential fact alleged in the declaration, or fairly to be implied from what is alleged, was established on the trial; but where the declaration fails to show that the plaintiff has a cause of action, there is no room for intendment or presumption. The judgment sustaining the motion in arrest must be affirmed.

Teachers should be careful to *renew* their certificates of qualification, when they expire during school term. The renewal of certificates is a matter of not less importance to Teachers than their first procurement. It sometimes occurs that a certificate, valid and approved at the commencement of a school term of six months, expires by limitation before the completion of the term, being voided and remaining unrenewed. It is important to know what effect the invalidation of the certificate will have upon the Teacher and the school, and the probable legal consequences that may be anticipated.

As to the school, it is essentially required that it be "conducted according to law." But it has been decided and re-affirmed that

a school taught by a person having no certificate is *not* conducted according to law—"is not a public school within the meaning of the Act." Then the disfranchisement of the school follows, since none but a "public school," a school "conducted according to law," can share in the semi-annual dividends; and the district in which such school is taught is liable to suffer the deprivation of its most material pecuniary support. But how would this disfranchisement follow as a possible consequence of the non-renewal of the Teacher's license. The Law governing the apportionment of the public fund to school districts disallows the claims of any in which a legal school has not been kept for six months during the school year for which such apportionment is made. But a school can not be a legal school unless it has been legally kept. It can not have been legally kept, if for one-half the term, it was taught by one whom the Law does not recognize as a Teacher. From the very day of the expiration of his license he ceased to be a Teacher, in the view of the Law. From that day the Law will no sooner recognize his character or his claims (as to the legality of his school) than the character and claims of any other *unlicensed* person who might stand in his place. If it be suggested that the Teacher has certain contract rights which the Law will respect, I only say, now, that it is the *legal* and not the *contract* relation which the Teacher holds to the school which is now being considered; to the latter I will come presently. The legality of the school depends essentially upon the legal qualification of the Teacher. That legal qualification implies the possession of a license to teach. So soon, therefore, as he becomes dispossessed of that license by the expiration of its tenure, he is divested of all legal qualification as a Teacher; and as long thereafter as he teaches he teaches *illegally*, and a school thus *illegally* taught would neither be adjudged a *legal* school nor a legitimate claimant upon the public fund. The fact that the contingency might have been avoided; that the law anticipated and provided against it, by authorizing a renewal of the license; that such renewal was not obtained, or even asked for,—would seem to render the Teacher excuseless, and implicate him principally in a wrong from which many would suffer.

As to the Teacher, the neglect or refusal to obtain a renewal of his license might be followed by serious consequences. It may be presumed that, like another, he has "respect unto the recom-

pense of reward." It is too true, also, that, like Moses, his expectations are sustained principally "by faith"—accepting the Pauline definition of this buoyant grace, as the "substance of things hoped for, the evidence of things not seen." It is of some importance to know how the Teacher's wages would probably be affected by the expiration and non-renewal of his license in the midst of school term. Wages depend upon contract, it is true; but then contract depends upon law. If the law, with respect to certain contracts, specifies certain conditions upon which they must be based, a non-observance of these conditions vitiates the contract. The law specifies to the Teacher, as a condition precedent to contracting with Directors, that he shall exhibit a certificate of qualification. If a contract be formed in disregard of that condition, it is invalid, and the Teacher can not recover under it. Again, when a contract has been legally entered into, and ratified, if either party incapacitates himself for the performance of the stipulated service, such incapacity will release the other party from the obligations of the contract. (See *Freeman's Digest*, vol. i, p. 507.) If a Teacher exhibits to his employers a certificate of qualification before he is engaged to teach, and enters into contract to teach a six months *legal* school, and at the end of three months incapacitates himself to teach a *legal* school longer (which he does by failing to renew his certificate), his employers are released from the obligations of the contract.

But let us turn to the School Law. Section 53 requires the Teacher to complete his schedule as soon as may be after the close of his school, and to deliver it to the Directors, who shall certify to its correctness (if upon examination it is found correct), and also that the Teacher "*is in possession* of a certificate of qualification," etc. Money can not be paid out upon a schedule till it be filed. It can not be filed till it be certified to. *Can* it be certified to under such circumstances? *Can* the Directors certify that such Teacher *is* in possession of a certificate when he is *not* in possession of a certificate? But if the Directors should ignore or defy the law, and attach their official certificate to the schedule, would this secure its payment? Not certainly; for if the Treasurer be apprised of the facts, and discharge his duty, he will withhold payment, at least until a legal investigation shall be had and the decision of the court shall further instruct him; and it is confidently believed that such decision would be adverse

to the claims of the Teacher and fatal to the recovery of his wages.

ASSISTANT Teachers must have certificates of qualification. The authority conferred upon and exercised by a Teacher is of the nature of a license. A license is simply the legal permission to do something which, without such permission, it would be unlawful to do. In conferring license upon one to *teach*, the State gives such person permission to do that, which, *without* such permission, it is unlawful to do. For the very reason that this is the *Law*, it would be as unlawful for one to *teach* in this State (as a common school Teacher) without a license, as it would be for him to plead in the courts, or vend merchandise, or do any thing else that is not to be done without license.

TEACHERS, while in the employment of a Board of Directors, are entirely subject to their control, so far as the subject of studies to be pursued in the schools is concerned. The Law confers power and authority upon Directors to direct what branches may be taught, and to "make all necessary rules and regulations" for the government of the school.

The whole subject of studies and text-books is left to the discretion of the Directors, who alone have power to prescribe what branches shall be taught. The Teacher must conform to the rules and regulations established by the Board of Directors. If the latter direct that algebra, or any other particular subject, shall be taught, the former must teach it—he has no option in the premises. If the teaching of that or any other branch is forbidden by the Directors, the Teacher must be governed by his instructions.—*Bateman.*

IN CASE of accident, (as of the burning of a school house,) or of the prevalence of a contagion in the neighborhood, by which the school is temporarily suspended, the Teacher is entitled to his wages under the contract, as if no interruption of the school had occurred; *provided*, he hold himself constantly ready to obey the orders of the Directors, and does not forfeit his claim by removal from the vicinity. The following decision of the Department was given in a case where the school house had been destroyed by fire. The Teacher had contracted to teach six months. Before the term closed, the accident occurred. The Teacher did not ask, nor the Directors propose a release of the former from the contract. The Teacher resumed his work in the

school after six weeks of suspension, and completed the term, in six months from the date of the contract, claiming wages as if no interruption had occurred. In this case, my predecessor gave the following opinion:

In covenanting with the Teacher for six months, the Directors virtually agreed to provide a house and keep him employed. The contract was not conditioned upon contingencies, but was clear and definite. After the house was burnt, the Teacher, one of the contracting parties, still felt bound by his agreement, and stood ready and waiting to comply with its conditions. He did not *ask* for a release—the Directors did not *propose* a release, or express any desire for it, or suggest any modification of the contract. And so the Teacher waited, for six weeks, regarding himself all the while as bound by the original agreement, and debarred the liberty of seeking employment elsewhere.

If, after the disaster to the house, the parties had agreed to cancel or modify the contract; or if the Teacher had sought and obtained other employment, he could not, in that case, have claimed of the Directors the fulfillment of the contract according to its original provisions. As it is, the case is clear—the Teacher has legal recourse upon the Directors for his wages for the whole six months.—*Bateman.*

Regular schedules must be kept by Teachers for all pupils resident in the district, and separate schedules for non-resident pupils, and persons over twenty-one attending school.

Schedules, as soon as completed, must be delivered to one of the Directors. Neglect here may work a forfeiture of wages.

It is the duty of the Teacher, as soon as his schedule is completed, to "deliver it to some one of the Directors." If he neglects this duty till his schedule is forfeited by limitation, he has no redress.

Unless otherwise agreed between the parties, and specified in the contract, Teachers will be required to teach but twenty days for a school month.* The doctrine enunciated in the following decision of the Department is held to be the true one, and just to all concerned:

1. The lunar month, or four weeks, shall be considered the true common school month in this State.

2. At least twenty days shall be taught for a month; sixty days for three months; one hundred and twenty days for six months, etc.

3. Directors may *contract* with Teachers on the calendar instead of the lunar month principle, and such contracts, previously made, shall be valid and binding upon both parties; but less than twenty teaching days shall not be considered a lawful school month.

4. In the absence of any special agreement or contract between Directors and Teacher, as above, the *lunar month* of *twenty teaching days* shall be adopted as the true basis of settlement, and shall be accepted, held, and construed by Directors, Trustees, Treasurers, and others, as satisfying the demands of the law.

The number of teaching days in a calendar month is between one and two days more than in a lunar month; there being in the latter just twenty teaching days, and in the former between twenty-one and twenty-two days. The difference in a school of six months is about ten days. Directors undoubtedly have the right to stipulate with Teachers on the calendar month principle if they think proper; and if Teachers voluntarily enter into such an agreement they are morally and legally bound by it. But it very often happens that nothing is said on the subject by either party until the school closes, when a difference of opinion is found to exist, leading to endless confusion and strife. It is to provide a uniform rule and to avoid trouble in *such* cases that this decision is made.—*Bateman.*

In reply to the question: "How many hours per day is a Teacher required to teach?" the following was returned:

There is no authority conferred upon this department to determine the question. The School Law confers upon the Directors of each district the power to make such "rules and regulations" as they deem necessary for the well-being of the school. The power to fix the number of hours per day a school shall be kept open is therefore conferred upon school Directors under the head of "rules and regulations." It may, however, be added as a matter of opinion, that no Teacher should be required to teach more than six hours a day.—*Powell.*

The Law is silent on the subject of corporal punishment in schools. It neither grants nor withholds authority to inflict it. The whole subject is left to the judgment and discretion of the local school authorities, and to the sanction of general usage and custom.

That the Teacher must be clothed with authority to use the rod in certain cases, is self-evident. It grows out of the very nature of the case, and of his relations to his pupils. The prudent exercise of such authority, is acquiesced in by the opinions and practice of the whole country, and is almost invariably sustained by the courts; on the ground, not of statutory enactments, but of

common custom, common sense, common justice, and the nature and necessity of the case.

It is only the flagrant *abuse* of the *admitted right*, which either society or the law is disposed to frown upon and condemn.—*Bateman.*

Upon the subject of the right of the Teacher to receive interest on money due him as wages, the following decision has been promulgated by the Department:

Under the 2d section of the general laws of the State (Rev. Stat., page 294,) regulating interest, Treasurers of townships should pay six per cent. per annum interest on schedules that have been regularly filed by the Directors before the time fixed for the semi-annual distribution of the school funds, and which, for any reason, can not be paid out of such distribution—the interest to be computed from the time fixed for such distribution. A schedule thus certified is undoubtedly a liquidated account, and, in contemplation of law and the contract between the Directors and the Teacher, should be at the time provided by law for the distribution of school funds, unless they otherwise agree or contract. If, for any reason, the amount appearing by the schedule to be due can not then be paid, it is just and equitable, and, as I think, within the letter as well as the spirit of the law regulating interest, that interest should be paid after that date. The Directors who make the contract with the Teacher have the power to provide the means of payment, and are supposed to contract with reference to the means to be at their disposal at the time when, by the contract, the Teacher should be paid. If they have been negligent in providing the means, or if there has been default in collecting, or if from any other cause they are unable to pay at the proper time, they stand, in their corporate capacity, like other debtors, and should pay interest. Their liability, however, is a corporate liability, and not a personal liability; and the interest should be paid, with the principal, out of the funds belonging to the district.—*Bateman.*

The usual holidays, and during which schools may be dismissed, are, Christmas and New Year's days, Independence day, and all Thanksgiving and Fast days appointed by the national or State authorities. The following questions and answers upon this subject, taken from the correspondence of the Superintendent's office, are submitted:

1. Have school Directors the right or power to allow Teachers to close schools during the holidays, and count the time as being taught; or, in other words, *give* Teachers said time?

2. Is it customary generally, or among our best schools, for Directors to give Teachers the holidays? and do you think it proper and right that they should do so?

3. What number of days is regarded as the holidays, or is generally given as above,—the *two days* simply, Christmas and New Year, or the whole week inclusive?

1. In the absence of statute law upon the subject of holidays, we are governed by the law of custom. It is usual, I think, to dismiss school during the holidays. Public opinion sanctions the custom, and its observance is becoming more general every year. In so far as Directors conform to the custom, and agree that the school shall be closed, they should "count the time as being taught;" or, in other words, they should reckon the Teacher's time precisely as if the school had not been dismissed.

2. The custom prevails doubtless "among our best schools;" and as its observance affords opportunity for mental relaxation to Teachers and pupils, and at a time, too, when the mind is so far diverted by the festivities incident to the season as to be disinclined to study and application, I do not hesitate to approve it.

3. The holiday season referred to embraces the entire week, including Christmas and New Year's days.

Have Directors the right to allow Teachers to suspend their schools during the Christmas holidays, and to continue their wages for this time? Is such usage customary in our graded schools?

The Directors have such a right, and the exercise of it is both customary and commendable. The authority to exercise such a discretion is held to be clearly implied in the general powers conferred upon Directors in *Section* 48.—*Bateman.*

PUPILS.

All persons between the ages of five and twenty-one years are entitled to admission into the public schools in the district where they reside.

Only those who are over five and under twenty-one years of age, are legally eligible to the public schools, under the general act. The Directors are unquestionably authorized to exclude all who are either older or younger than the prescribed limits. Persons over twenty-one may be admitted, with the consent of the Directors, on payment of such tuition fee as the board shall prescribe; but they cannot claim such admission as a legal right, nor being admitted, can they demand the privilege of attending free. The restrictions of the general law as to age, etc., do not apply to cities and incorporated towns whose schools are organized under special acts or ordinances.—*Bateman.*

The question of *residence* is thus treated of in an official circular issued from this Department:

Residence, or domicil, is a "fixed and permanent abode or dwelling-place for the time being, as distinguished from a mere temporary locality of existence."

To acquire a domicil, two things are essential: there must be the fact of residence in a particular place, and the intention—the voluntary purpose—to make that place a permanent abode.

To retain a domicil when acquired, actual residence is not indispensable. It is retained by the absence of intention to remove. Nor does the intention to remove change the domicil unless carried into effect. The intention and the act must go together. A residence once gained remains till a new one is legally acquired. The theory of the law is, that every one must have a residence somewhere, and that no one can have more than one domicil at one and the same time.

Where a man divides his time between his place of business and his dwelling-house, the place of the latter determines his domicil. If he owns more than one dwelling-house, the one in which he sleeps is his legal residence. If the dwelling-house is partly in one district and partly in another, the occupant must be deemed a resident of the district in which he usually sleeps, if that can be determined.

The question of domicil has been largely discussed in the courts, and is one of no small difficulty. Cases may arise to which no rule of the legislature or the court will exactly apply.

The commonly accepted legal maxims concerning domicil, as condensed by Hon. V. M. Rice, of New York, from Judge Story's "Conflict of Laws," chap. 3, are as follows. The statement is more comprehensive than is required by the scope and purpose of these notes; but, as it forms the basis of the remarks to follow, and embodies much useful information not often found in so brief a compass, it is given in full:

1. "The place of birth of a person is considered as his domicil, if it be at the time the domicil of his parents. This is called the domicil of nativity. But if his parents are on a visit or on a journey, the home of the parents will be deemed his domicil.
2. The domicil of birth continues until he has acquired a new domicil.
3. A minor is generally deemed incapable of changing his domicil; but if the parent changes his domicil, that of the minor follows it. If the father dies, his last domicil continues that of his minor children. This rule is subject to qualification if the minor has been emancipated from parental control, or adopted into a new family.
4. A married woman follows the domicil of her husband.
5. A widow retains the domicil of her deceased husband until she acquires another.
6. Prima facie, the place where a person lives is deemed his domicil.
7. Every person of full age having a right to change his domicil, if he removes to another place with an intention of making it his permanent residence, that immediately becomes his domicil.
8. If a person removes to another place with an intention of remaining there for an indefinite time, and as a present domicil, it becomes his domicil, notwithstanding he may entertain a floating intention to return at some future period.
9. The place where a married man's family resides is generally deemed his domicil, but not if it be a merely temporary establishment.
10. If a married man has his family in one place and his business in another, the former is deemed his domicil.
11. If a married man has two places of residence at different times of the year, that will be esteemed his domicil which he himself selects or deems his home, or which appears to be the center of his affairs, or where he votes or exercises the rights and duties of a citizen.
12. If a man is unmarried, that is generally deemed his domicil where he transacts his business, exercises his profession, or

assumes the duties or privileges of a citizen. But this rule is subject to qualification.

13. Residence, to produce a change of domicil, must be voluntary, not by imprisonment, etc.

14. Mere intention to remove, without the fact of removal, will not change the domicil; nor will the fact of removal without intention. They must go together.

15. A domicil, once acquired, remains until a new one is acquired."

It remains briefly to apply these principles, for the practical guidance of school Directors and others concerned.

(1.) None but legal residents of a district are entitled to free instruction in the public schools of said district.

(2.) As a general rule, the residence of the parents is the residence of their children.

(3.) Boarding children in a different district from that in which the parents reside does not, of itself, entitle them to the benefits of the free school in said district.

(4.) The mere *temporary* residence of a family in a district, in order solely to enjoy the benefits of the free schools and with the intention of removal as soon as that purpose is accomplished, does not entitle the children to the privileges of said schools.

(5.) The removal of a portion of a family from the legal domicil to another district, in order to send to the free schools thereof, does not confer the right to do so.

(6.) As a general rule, the residence of their parents is the residence of employés: hence the privilege of the free school in another district is not acquired by placing children temporarily at service in that district, with the sole object of sending them to school. This includes those who are placed in families to attend school and do chore-work for their board, etc. The most liberal policy is, however, recommended toward this class of children. The state has as much interest in their education as in that of the more favored; and, although not legally eligible to attend free, the Directors should permit them to do so, when not inconsistent with the rights of others and the welfare of the school.

(7.) Children who have been apprenticed, or adopted into a new family; or who have been placed permanently in the care of others, with no intention of withdrawal; or those over whom parents have relinquished all control from whatever cause; or those who have no parents or guardians, or whose parents or guardians live in another state or country and exercise no control over their children; or those who have no permanent abode, but go from place to place in search of employment, and whose only home is where they find work;—the children included in all the above classes are to be enumerated in the district where they live,

and are entitled to all the rights and benefits of the free schools in said district.—*Bateman.*

NON-RESIDENT pupils can only be admitted to school upon the written consent of the Directors of the district in which they reside, and the Directors of the district in which they desire to attend school.

CHILDREN under five years of age cannot be admitted to school at all. Persons over twenty-one years of age may be admitted, if the Directors please, by paying a tuition fee.

PUPILS are held to be under the control and authority of the Teacher while in the school or upon the school premises.

PUPILS may be suspended or expelled by the Directors for incorrigibly bad conduct. They may also be suspended from school temporarily for sanitary reasons.

Dismissal from school is usually resorted to as a *punishment* for grave and obstinate offences. When the moral depravity of a child becomes so great that his example is dangerous to the purity of the school, or when his insubordination is so bold and incorrigible as to be fatal to the discipline of the school, duty to the other scholars demands his removal. He has forfeited his claim to the benefits of the school; he can no longer enjoy those benefits without infringing the moral rights of others, and justice demands his exclusion. He has no longer any right to remain, for no rights can attach to the individual, the exercise of which is incompatible with the equal rights of others.

This principle has important applications. It justifies and even requires the removal of a pupil from school, in certain cases, when no offence has been committed. It teaches clearly that *punishment* for evil doing is not the only ground upon which dismissal from school can be justified—that *protection* from evils which, though serious, imply no wrong in the parties concerned, is sometimes an equally valid ground for the temporary removal of a pupil from school.

In the light of these views it is perfectly clear that Directors may and should exclude from school, for the time being, pupils infected with offensive and contagious diseases. Not for any fault or wrong on their part, but simply because their presence under the circumstances is incompatible with the safety and comfort of others. Their personal rights in the common school are for the time in abeyance—they must be surrendered till they can again be exercised without infringing the equal rights of others.

In the language of another: "The right to enjoy the benefit of common schools, established for all the inhabitants, is a common, not an exclusive personal right; then, like other common

rights, that of way for instance, it must be exercised under such limitations and restrictions, that it shall not interfere with the equal and co-extensive rights of others. Take the case of contagious diseases: can it be doubted that the presence of a pupil infected could be lawfully prohibited, not for any fault, or crime, or wrong conduct, but simply because his attempt to insist on his right to attend, under such circumstances, would be dangerous and noxious, and so an interruption of the equal and common right." (*Vide* 8 Cush. Mass. R., 164.)—*Bateman.*

The rights and duties of pupils in common schools are thus summed up in an article issued from this Department:

(1.) Pupils can study no branch which is not *in* the course prescribed by the Directors.

(2.) Pupils can study no branch *of* such prescribed course for which they are not prepared; of which preparation the Teachers and Directors shall judge.

(3.) Pupils shall study the particular branches of the prescribed course which the Teachers, with consent of the Directors, shall direct, unless *honest objection* is made by the parents.

(4.) If objection is made in good faith, parents shall be allowed to select from the particular branches of the prescribed course for which their children are fitted, those which they wish them to study; and for the exercise of such right of choice the children shall not be liable to suspension or expulsion.

(5.) If the aforesaid liberty of choice is sought to be exercised with the avowed or palpable design of thwarting the Teacher and Directors and maliciously disturbing the school, it may be withheld, and the children be compelled to study the branches chosen by the Teacher and Directors, or leave the school.—*Bateman.*

SCHOOLS—HOUSES—SITES.

THE NUMBER of schools to be established in a district is not fixed by the Law, the only indication being found in the following words of the 48*th Section:* "They [Directors] shall establish and keep in operation a sufficient number of free schools for all the children of the district."

NEGLECT to provide a "sufficient number of schools for all the children of the district," is punishable under *Sec.* 76.

THE LEGAL TERM of school is definitely prescribed, Directors being obliged to keep schools in operation for at least six months in every school year; otherwise, the district cannot share in the semi-annual distribution.

SCHOOLS must be kept open at least six months during each school year, but schools must not necessarily be kept open for six months *in one continuous term.* It is only required that the number of months during which schools are kept open in the year shall be equal to the minimum time expressed in the Law, whether the months of the term occur consecutively or otherwise.

TO CONTINUE a school for *more* than six months in any school year, it is necessary to obtain the consent of a majority of the voters in the district, if in continuing said school *it be necessary to levy a tax;* but if there be funds on hand sufficient to pay the expenses of continuance, *no vote of the people is necessary.*

DIRECTORS must provide for the teaching of the elementary branches. None of those studies specified in the form of certificate given in *Section* 50 can be omitted. The higher branches may also be taught, if Directors please.

GRADED SCHOOLS should be established wherever practicable. For this purpose two or more districts may unite. Ungraded or unmixed schools are necessarily imperfect, and far less useful than graded schools, and should only be tolerated while the circumstances of the district render grading impossible.

SCHOOLS in incorporated towns and cities are under the exclusive control of the local Boards, and are subject only to such rules and regulations as the Boards may prescribe, under their respective charters.

NO SCHOOL HOUSE can be built in any district without the consent of a majority of the people thereof; nor can a school house be removed without a vote of the people.

THE PEOPLE of a district may vote an appropriation of any amount of money to build a school house, at any election held for the purpose; but a tax cannot be levied by the Directors in any one year to exceed two per cent. of the taxable property of the district. Where the amount appropriated exceeds the above per cent., the tax must be continued from year to year till the necessary amount is raised.

WHEN A DISTRICT is divided, the separated portion is entitled to its equitable share of all the property belonging to the district as it existed before division, said share to be determined by the Trustees immediately after the division, the property being appraised at its value, as estimated at the time of division.

WHEN DISTRICTS are consolidated, the property of the several districts uniting becomes the property of the consolidated district.

The following article is quoted from the decisions of the Department concerning the *use of school houses:*

By Sec. 39 of the general act, the supervision and control of public school houses is vested exclusively in the respective Boards of school Directors. It is a part of their duty to see that the school houses, grounds and appurtenances belonging to their respective districts are kept in good repair, and in a suitable condition at all times for the uses to which they are by law devoted. The guardianship and control of the Directors over the school houses and other property of the district is exclusive; it cannot lawfully be delegated by them to others, nor can they be interfered with in the exercise of such control. No school house can be used or occupied by any Teacher or other person or persons without the knowledge and consent of the Directors. It is not in the power of the citizens of the district, individually or collectively, by committees or resolutions, to deprive the Directors of their authority in the premises, or to dictate to them the manner in which that authority shall be exercised. They alone are by law responsible, and their discretion and control are and must be commensurate with their responsibility. The citizens may of

course petition or remonstrate for or against a particular use of the house; but the Directors, under the law, must decide. They are the legally chosen representatives of the district, to whom, as such, all questions relating to the use of the district property must be referred.

But the Directors themselves are invested with the supervision and control of school houses *for the purposes contemplated by law;* and the next important question is, What are the uses to which public school houses, erected by taxation under state authority, may of *legal right* be devoted? Viewed in this strictly legal sense, the proper answer to this question can not be doubtful. School houses are built for purely *educational purposes*, and they can not of *legal right* be employed for any other. By educational purposes are meant those of instruction, of district and school meetings, school elections, etc.; in a word, all purposes directly relating to schools, and no others.

While there can be no doubt that the courts would sustain the foregoing opinion if the point were adjudicated upon purely legal principles, yet I desire to express my approval of the time-honored custom which kindly *allows* the use of district school houses for religious and kindred worthy purposes. Such use, especially in sparsely-settled portions of the country, subserves the public convenience in an eminent degree, and should not, in my judgment, be denied except for flagrant mismanagement or abuse.

I am aware that the privilege is not unfrequently abused in a very wanton manner, and that the use of school houses for purposes not contemplated by law is even presumptuously demanded as a right, instead of being gratefully accepted as a favor. Instances are not wanting where parties have availed themselves of the liberality of the Directors only to deface the building, break the fences, injure the furniture, mutilate the books, soil the floors, and commit even worse outrages, to the great disturbance of the school, and to the no small cost of the district. In such cases the duty of the Directors is clear: the offenders should be expelled, and the doors peremptorily closed against them.

The district can in no case be responsible for any expense incurred by parties using the school house, under favor of the Directors, for other than school purposes. No tax can be levied on the district to pay for the fuel, lights, etc., used by such parties. All of such articles must be furnished and paid for by those who have the privilege of the house; and all loss or damage caused by such use must in like manner be made good by those in charge of the house at the time such loss or damage is sustained. The Directors should require of all, as a condition of using or occupying the house, that the building, floors, furniture, books, and other utensils and appurtenances, shall be left in as good condition as they were found, so that the school may suffer no hindrance or interruption, and the district be subjected to no expense.

It is the *abuse* of the privilege that has caused nearly all the trouble. The Directors have often been requested, and even required, to allow the school to close before the regular hour, and in some instances to stand closed for several days together, in order to accommodate religious and other societies desiring to use the house for their meetings. It need hardly be said that Directors can not lawfully entertain such propositions, whether they come in the form of requests or demands. Any tax-payer of the district has a right to object to such a proceeding, and the law would sustain the objection.—*Bateman.*

The selection of a school house site must be submitted to the voters of the district, at an election held for that purpose. Directors have no power to locate a school house, or change a school site, without a vote of the people.

If the owner of land upon which a school site has been located refuses to convey the site chosen, another site must be selected. There is no provision of the Law by which a school site can be appropriated without the consent of the owner.

School sites may be sold when found to be unsuitable, unnecessary, or inconvenient. The Trustees of the township are authorized to sell the property upon petition of the Directors.

THE STAMP LAW.

Frequent inquiries have been made of this Department, whether the stamp tax applies to official papers, instruments of writing, and legal documents, which school officers are required to execute, in the course of their prescribed duties, under the School Law of this State. The opinion has been expressed by several, that the Excise Law contains an excepting clause, by which school documents are exempted from the government tax. It is important that this erroneous opinion be corrected. The law contains no such excepting clause, and school officers are as much bound by its requirements as any other parties. A neglect or refusal to obey the law in this respect will be followed by legal consequences as disastrous to school interests as dangerous to school officers.

The Law provides that for non-stamping such legal papers as may issue from the hands of school officers and Teachers, "the instrument, document or paper" so issued and unstamped "shall be deemed invalid, and of no effect." A penalty of $50 is prescribed for non-compliance with the Law. The Law requires that stamps affixed to instruments of writing shall be canceled by the person using them, who "shall write thereupon the initials of his name, or deface the same in such manner as shall show clearly and distinctly that such stamp has been made use of, and so that the same may not again be used." It is customary upon placing the stamp upon the sheet to write upon the face of it the initials of the name, and figures representing the day of the month, the number of the calendar month, and the year. Thus: "J. S.—15—2—63;" John Smith, 15th day of second month, 1863. The penal consequences following a neglect of this requirement are the same as those incurred for non-stamping.

All deeds or certificates of title, mortgages, bonds, notes, schedules, orders, certificates (as the certificates issued by school commissioners to Teachers, certificates appended to schedules by Teachers and Directors, certificates of election—in a word, all

certificates, of every description) are subject to the operation of the stamp excise. The spirit of the Law seems to be that all instruments of writing which may or can be used as evidence before the courts in any manner whatever shall be stamped. The following list will be found useful for reference:

INSTRUMENTS SUBJECT TO TAX.	AM'T OF TAX.
Deeds with consideration of $100 to $500	.50
" " " $500 to $1,000	$ 1.00
" " " $1,000 to $2,500	2.00
" " " $2,500 to $5,000	5.00
" " " $5,000 to $10,000	10.00
" " " $10,000 to $20,000	20.00
Mortgages, for every $200 or fractional part thereof	.10
Bonds, of all kinds, each	.50
Notes, upon every sum of $200 or fractional part thereof, if payable on demand, or any time not exceeding 33 days from date or sight	.01
" payable in not less than 33 days, and not exceeding 63 days	.02
" payable in not less than 63 days, and not exceeding 93 days	.03
" payable in not less than 93 days, and not exceeding 4 months and grace	.04
" payable in not less than 4 months, and not exceeding 6 months and grace	.06
" exceeding 6 months and grace	.10
Orders, under $20	no stamp.
" over $20, each	.02
Schedules, on each certificate belonging thereto	.05
Certificates (school) of all kinds, each	.05

Teachers' schedules must be twice stamped. A schedule is a complex instrument, parts of which are taxable, and a part untaxable. The schedule proper (which is simply a statistical journal of the school) requires no stamp. The certificates, without which the schedule can not be legally accredited, must each be stamped. I make no account of the order attached to the schedule, as that is not recognized in the legal form prescribed in Section 53, and hence constitutes no part of the legal schedule. Whether it be best to attach the order to the schedule by printing or writing it upon the back of the instrument is a question involving considerations of convenience only and may be left to Directors.

According to the instructions given to Teachers in a circular issued from this Department in February, 1863, schedules required but a single stamp of ten cents each, to be fixed upon the instrument by the Teacher. But by the recent changes in the stamp

law, resulting from the decisions of the Commissioner of Internal Revenue (which decisions have been embodied in the published amendments to the original law), a schedule now requires two stamps instead of one, said stamps to be affixed to the *certificates* contained in the schedule. Originally, miscellaneous certificates required each a stamp of ten cents; but the tax on such papers has been reduced one-half, so that while the tax upon the schedule is still ten cents, as at first, the instrument now requires two stamps; the first (five cents) being affixed by the Teacher to his certificate, and the second (five cents) by the Directors to their certificate.

Written orders, issued by school officers, for the payment of any sum of money, require to be stamped when the amount expressed in the order is $20 or over. The law is that an "order for the payment of any sum of money exceeding $20, drawn upon any person or persons, at sight or on demand, [shall be stamped] two cents."

All orders, wherever or however written, "for the payment of any sum of money exceeding $20," require to be stamped.

PART III.

SCHOOL ARCHITECTURE.

To John P. Brooks,

Superintendent of Public Instruction:

At your request, I have prepared several designs for School Houses, expressly for the work you are about to publish for general distribution throughout the State.

I do not intend in these designs to present plans in themselves so minutely complete as to enable a builder to go on and build directly from them, for the reason that your work is not to be of a character suitable to admit of enlarged detail drawings, without which I should not be willing, as an Architect, to trust my designs to be executed by other persons at my risk.

My object in presenting these designs and plans to the public is, to suggest ideas that may stimulate every school district to obtain suitable plans from some competent Architect, together with all the requisite details that may be necessary to erect a building complete in itself with all its attending requisites.

We are in a comparatively new portion of the country, when we consider that only thirty years ago the first public school was organized in Chicago, and for ten years thereafter the schools were taught in churches and such other places as could be readily obtained, and that only twenty years ago the first public school house was built in Chicago, on Madison street, and is now used for the same purpose. Our children are now instructed by teachers from older eastern communities, and the present adult portion of society does take, and must take upon itself the control and management of all our educational interests, until the rising generation

has arrived at the proper and mature age, and become, as I hope an educated people. "Intelligence is a primary ingredient in the wealth of nations," and everything that tends to elevate or enlighten the mind, should be done so far as it practically can be in all of our school buildings. In every instance good, well qualified teachers should be selected, whilst the silent monitions of the school house should not be neglected.

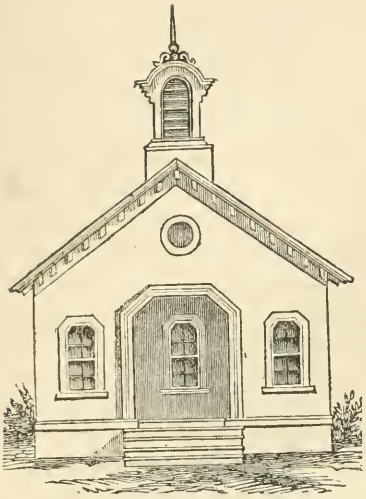
Now my theory is, that every school house should have the marks of civilization and culture in its construction, or in other words, should be a monumental education in itself, should have sufficient style about it to attract the scholars, so as to arrest their attention to all its various parts. This of itself will elevate the mind of such children as by circumstances have never entered the apartments of a well finished building. Such children should be instructed in all the principles of construction and ventilation, and their benefits upon the physical system. We are indebted for most of all we now enjoy to those who have gone before us. All have derived benefits from their ancestors, and all are morally bound to transmit those benefits in an improved condition to posterity.

The designs and plans which I have prefaced will be found following. The design below [No. 1] is that of a common and plain district school house.

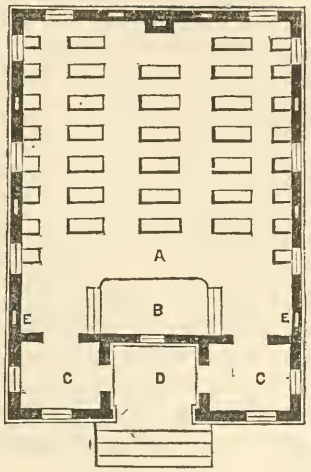
This style of school house is, in my judgment, as plain a building as should be erected anywhere. Its particular points of advantage consist in the arrangements of the entrance by a recess or alcove in front which is always to remain open. On either side of this alcove is an entrance for the scholars of the different sexes, which forms a closet for hanging clothes, &c., and from which they enter the school room. The teacher's desk and platform being in the centre and up against the alcove in front, with a window opening into the alcove, gives the teacher full view of the approach of scholars.

The size of building from this design is 25×35 feet on the ground, and is calculated to accommodate 56 scholars, and cost, ordinarily, about one thousand dollars.

DESIGN NO. 1.



ELEVATION.

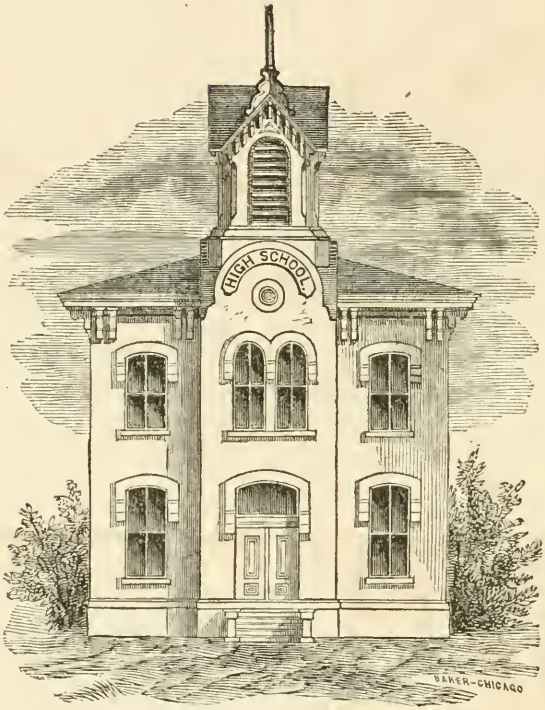


GROUND PLAN.

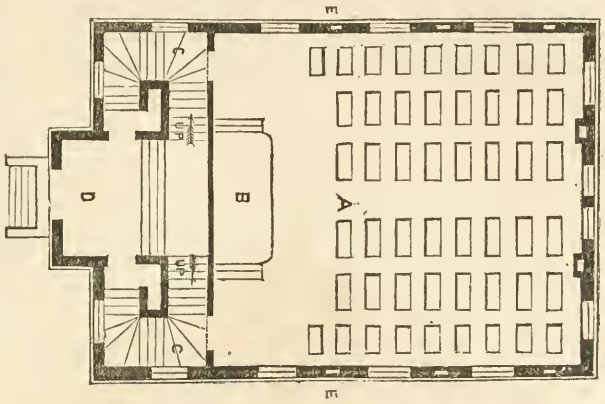
A, School Room.
B, Teacher's Desk.
C, Passage and Wardrobes.
D, Open Vestibule.
E, Ventilators.

Design No. 2 is for a building suitable for an upper and lower grade of school. The lower floor is calculated for a lower grade and the second floor for an upper grade, and will accommodate about 100 scholars in each room. Size of the building, 30 × 42, besides the tower, and will cost about $5,000.

DESIGN NO. 2.



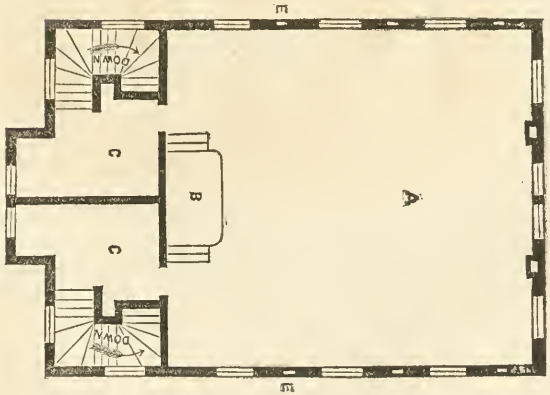
ELEVATION OF HIGH SCHOOL.



GROUND PLAN OF HIGH SCHOOL.

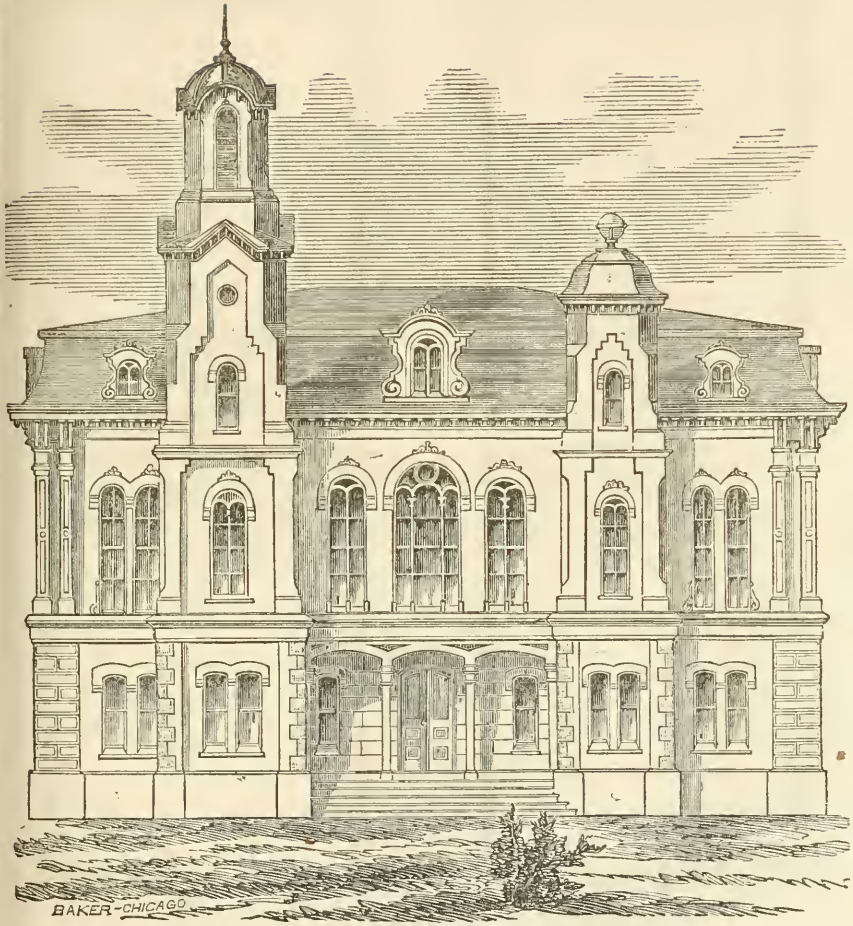
EXPLANATION.

A, School Room.
B, Teacher's Desk.
C, Wardrobes and Closets.
D, Vestibule.
E, Ordinary Ventilators in the walls.

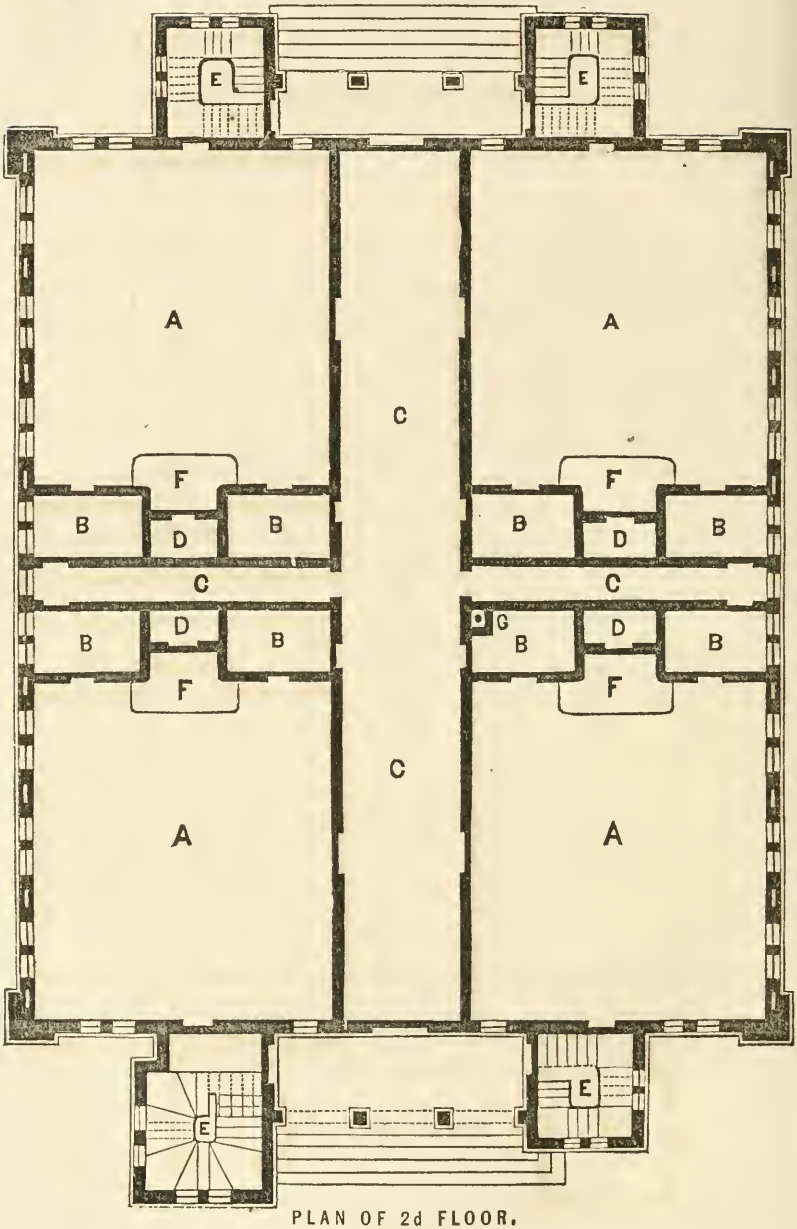


PLAN OF SECOND STORY OF HIGH SCHOOL.

Design No. 3 is for a very extensive city school building, calculated to accommodate scholars from the primary to the high school departments, and will accommodate 60 scholars each. Size 65 × 80 feet, besides the towers, and will cost about $25,000.

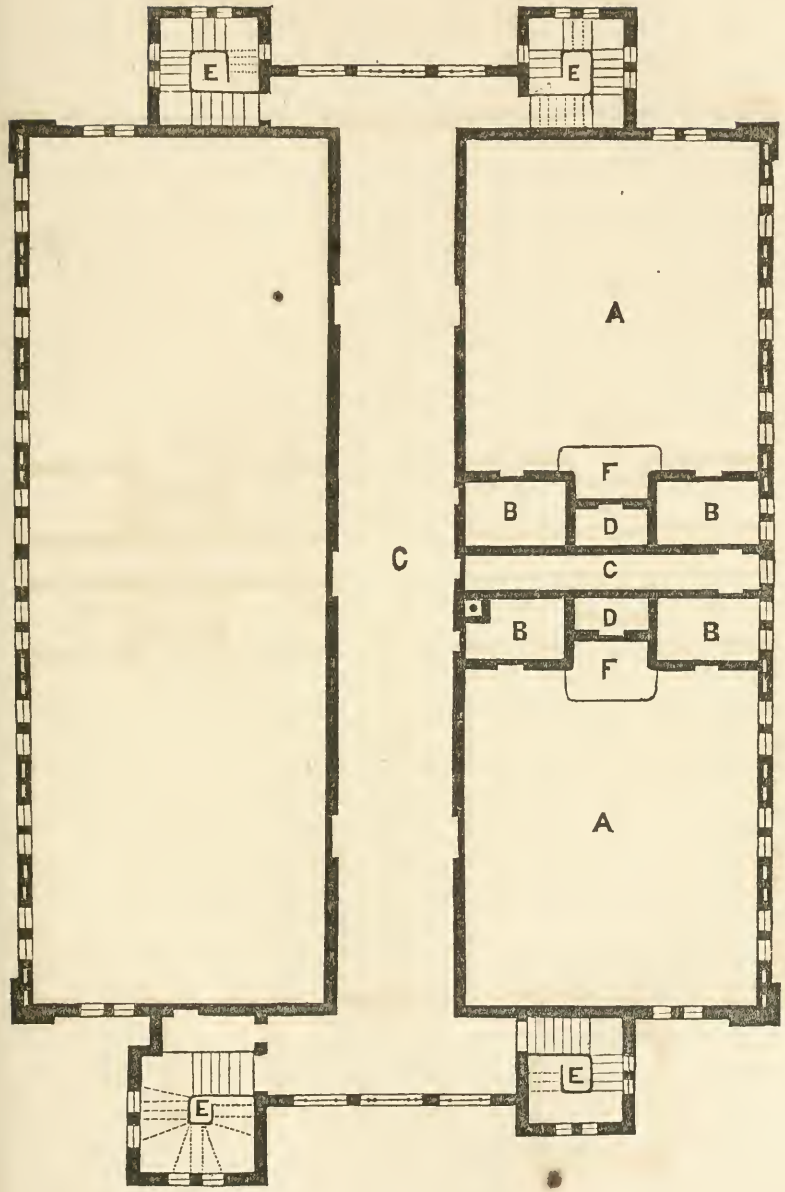


PLAN OF HIGH SCHOOL.



PLAN OF 2d FLOOR.

A, School Rooms. B, Dressing Rooms. C, Halls. D, Cabinets and Library.
E, Stairs. F, Teacher's Desk. G, Ventilating Shaft.



PLAN OF 3d FLOOR.

I should propose to heat this, as well as all other school buildings of any considerable size, by steam. Gold's patent low pressure steam heating apparatus I consider the most desirable for heating as well as ventilating school buildings. By this method the warmed air enters the room as pure as the open free breeze can be obtained direct from outside, and with a proper ventilating air duct, the vitiated air in the school room will be constantly escaping, and cannot become impure by respiration, so much as to effect the active mental energies of the scholars or teachers.

Steam heating by coils of pipe in the school rooms cannot be otherwise than injurious to all who occupy the room, for the reason that the air in the room is heated over and over again. By Gold's system, the heat is generated in the cellar, and fresh air is brought directly from the outside to the heating chamber, and conducted to the room as fresh as air can be obtained. The smoke flue from the furnace I would recommend to be constructed from Sidney M. Stone's patent ventilating flue, which consists of a cast iron tube inserted within a brick flue directly in the center, leaving a free space all around the smoke pipe of sufficient size to give ample escape for all the various rooms to be ventilated. This chimney in cold weather being constantly heated, will secure a free and active ventilation from all the rooms, which should be connected by tubes or boxes at the floor and ceiling, so that either or both can be used at pleasure. In warm weather a very light fire can be kept up in the cellar, which will heat the ventilating shaft without imparting any heat in other parts of the building. In order to secure ventilation in warm weather, some artificial heat must be applied to excite the draft. By the introduction of these two systems, I think the most complete arrangement for heating and ventilation is secured for school buildings.

I have thought it proper to notice the University of Chicago,* in brief. The remarks below will be followed with a perspective view of front elevation of the University.

This Institution is situated at the southern extremity of the city, in a beautiful site, known as Cottage Grove. The ground upon

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* This building is being erected under the architectural supervision of Wm. W. Boyington, Architect, Chicago.

which the buildings are located was donated to the institution by the late Judge Douglas. The location is one of the most beautiful adjacent to Chicago for an institution of learning. The tract of land donated for the University grounds, contains ten acres, in the center of which the buildings are located, fronting the lake. The south wing and corridor were built in the years 1858–9, and the Institution was first opened in 1859, with a corps of professors under the immediate supervision of Rev. J. C. Burroughs, President. The success with which the Institution has been patronized from the time it was opened to the present, plainly manifests the appreciation in which it is held by the public. Applications for admission have to be refused constantly. It is expected, however, that this embarrassing necessity will soon be obviated.

The main building is now in process of erection, and is expected to be so far finished as to be used in part during the fall and winter term of the present year.

The size of the main building is, in its extreme, 150 feet long, by 100 feet wide, and 90 feet high. The main tower in the center will be grand and imposing, and will be 156 feet high. There is a turret at each corner of the main building, 120 feet high.

The main entrance to the building is through a splendidly wrought stone arched doorway in the main tower.

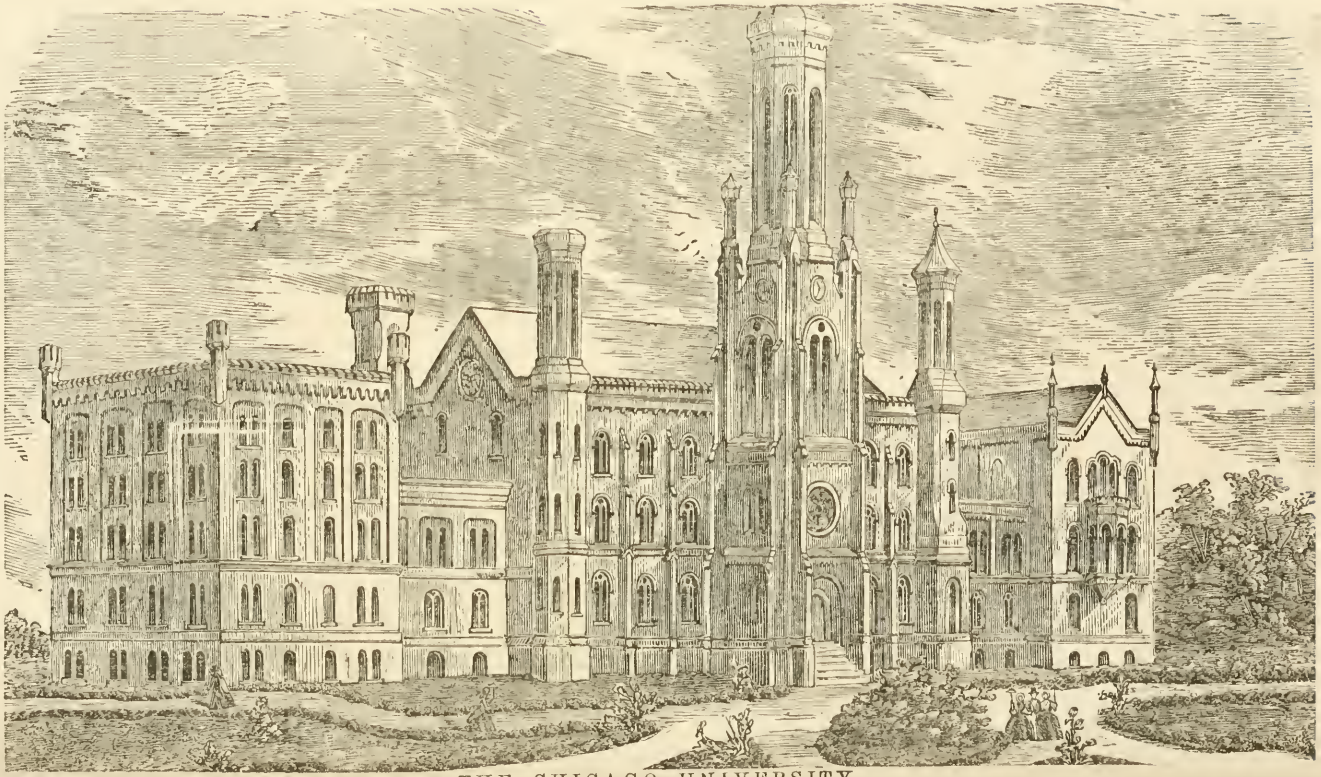
There is to be a wing and corridor on the north of the main building, of the same size on the ground as the south wing and corridor now built; the size of the corridors is 45×44, and the wings 46×67 feet. The south wing and corridors are designed for studios and dormitories, and the north wing for preparatory department, library, art gallery and museum. The main building is to be used for President's and Professors' departments, together with the morning and main Chapel.

This set of buildings, when fully completed, will present an imposing and magnificent appearance.

The material of the entire edifice is Athens stone, there being no wood work about the walls, save the door and window frames. The style of architecture is purely Norman, of modern proportions, with fine cut stone trimmings, and rock-faced ashlar, a style peculiarly well adapted to buildings of this description. The entire cost of the buildings will be about $175,000, exclusive of the Astronomical Observatory, which is now in process of erection,

on the west front, directly opposite the main tower on the east front, and is being built in the same style as the other buildings. The observatory will form a very conspicuous portion of the group of buildings when completely finished, according to the present designs.

WM. W. BOYINGTON,
Architect, State St., Chicago.



THE CHICAGO UNIVERSITY.

SCHOOL FURNITURE.

It is a matter of great importance, that Directors and those having in charge the furnishing of our school buildings, should become familiar with the most approved styles of desks and seats. The difference in expense of seating a house with good, substantial and convenient seats is so trifling in difference over that of *botching* a job by those who are ignorant of the business, that there seems to be no excuse for so many incommodious and ill arranged seatings in school houses as we find them.

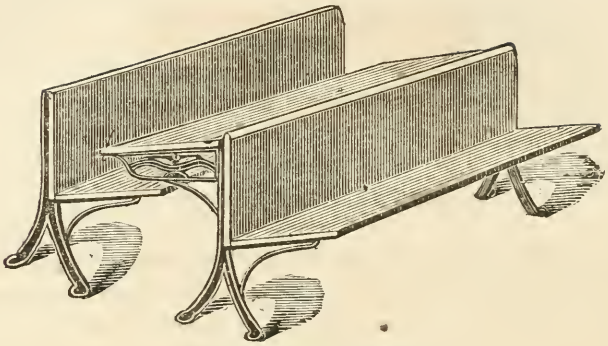
In no case should each seat and desk be made to accommodate more than two pupils. If the desk is single, it is considered a still better arrangement, though the single seat involves a much larger expenditure, as the expense is much greater in proportion, and it also requires much more room to accommodate the same number of pupils, thus involving the additional expenditure of a school building at least one-third larger to contain an equal number of pupils with the double seatings.

Herewith is presented some of the most approved styles of modern furniture. The cheapest and most desirable for general use is what is called the Combination Desk, the seat and desk being attached, thus saving the expense of separate chairs. Some of these are made with wood end supports, which may save a trifle in expense, but not enough to pay for the sacrifice of good, substantial iron end pieces, or stanchions.

The following cut represents a desirable style of the Combination Desk and Seat.

Attention is particularly called to this design, as being tasteful, convenient, cheap and durable.

The stanchions, or end pieces, are iron, to which the wood work is fastened with screws, making the desk convenient for shipping, as it can readily be put together.



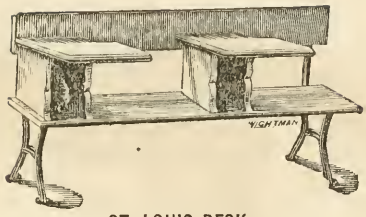
COMBINATION SEAT AND DESK

The expense of this desk is but a trifle more than if made with clumsy wood ends, while it contains the essential requisites of a good desk and seat, being conveneint to sweep around, and the shape of the end pieces allows the pupil to get in and out of his seat without difficulty. It is durable, and withal tasteful in its appearance.

The standard length of this desk is three feet six inches, for two pupils, and it is made of four different sizes, with seats from 16 to 12 inches high, to accommodate all grades of pupils—size A being the highest, then B, C and D, graded in regular order. In addition, there is a back and seat, made to correspond with the others to place in the rear of the room, or for a recitation seat. The desk is permanently fastened to the floor by means of screws. In grading, where different sizes are required in the same room, the smallest size should be placed in front, and the largest at the back of the room. Care should be taken in ordering, to have all, in each row across the room, of the same size.

Price, nicely finished, varnished, supplied with best ink well, screws for fastening, and all complete, boxed and delivered at any depot in the city,

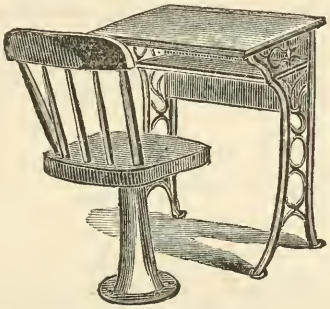
The following represents what is known as the Cincinnati or St. Louis desk, as it is used to considerable extent in the primary schools of both of those cities.



ST. LOUIS DESK.

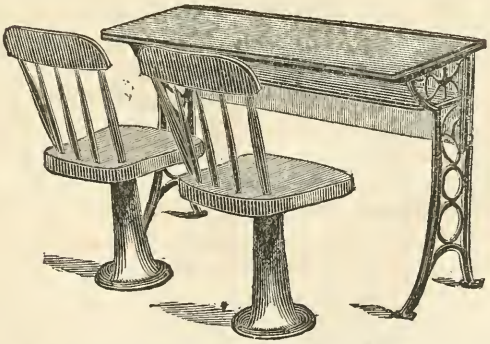
This is a very cheap, neat and convenient seat for small pupils. It is substantial, occupies but little space and allows all the pupils to rise in their places, without stepping into the aisles.

Those persons desiring (for more expensive buildings) desks and chairs will find the following representations among the very best.



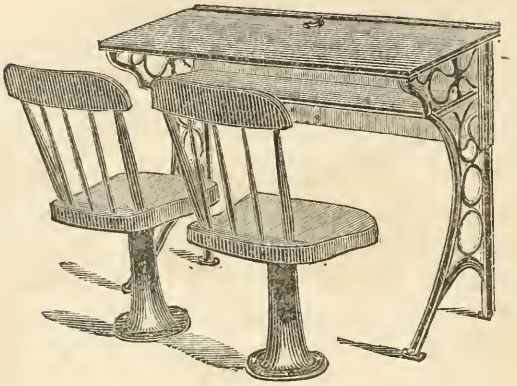
SINGLE PRIMARY DESK AND CHAIR.

Hight of the front of desk from the floor, 22 inches; chair, 12 inches. Length of desk, 1 foot 6 inch.



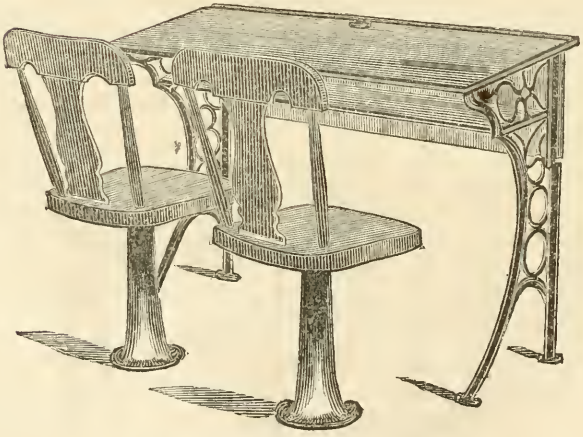
DOUBLE PRIMARY DESK AND HAIRS.

Hight of desk, 22 inches; chair, 12 inches. Length of desk, 3 feet.



INTERMEDIATE DOUBLE DESK AND CHAIRS.

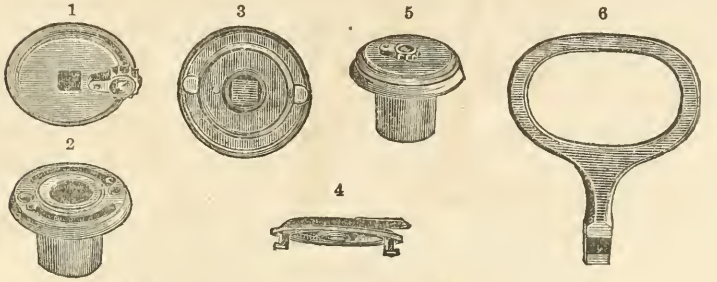
These are made of two sizes. Hight of desk, 23 and 25 inches; chairs, 13 and 14 inches. Length of desk, 3 feet 4 inches.



GRAMMAR DOUBLE DESK AND CHAIRS.

Two sizes—Hight, 26 and 27 inches; chairs, 15 and 16 inches.

The intermediate and grammar desks should be supplied with good Ink Wells. This is a matter of economy as well as a great convenience, and security of neatness. The following cuts and explanations will give a complete representation of the very best Well known to the author.



G. & H. M. Sherwood's Patent Ink Well, for Schools.

EXPLANATION.—Fig. 1 represents a top view of the cover. Fig. 2, a top view of the Well without the cover. Fig. 3, a bottom view of the cover. Fig. 4, an edge view of the cover. Fig. 5, a view of Well complete. Fig. 6, a key to screw on and unscrew cover. The Ink Well (fig. 5) is inserted into the desk through a hole bored for the purpose, so that the flange [which is of considerably larger diameter than the body] rests upon the surface of the desk, and is secured in place by screws inserted in countersunk holes. The flange of the Well has turned down on its outer edge a lip, which alone rests on the desk, leaving a space within, below the interior part of the flange. This space is provided for the purpose of allowing room in which pins or studs projecting downward from the lower side of the cover may freely move. The pins have enlarged ends, or heads [as seen in fig. 4], and are first inserted through apertures made large enough to admit them freely in the flange of Well, as represented in cut [fig. 2]. From these apertures extend, concentrically in opposite directions, curved slots, just wide enough to allow the necks of the pins to pass freely [as seen in fig. 2]. The lower edges of these slots have a slight inclination downward from the apertures, so that as the cover is turned round the heads of the pins become wedged against the inclined surfaces, and draw the cover closely down upon the Well, on which it is made to fit tightly. The cover is fastened by means of a key [fig. 6].

This new Well is simple, and it is confidently believed that, while it contains the combined excellencies of the best Wells now in use, it remedies the defects of all:

1st. By this invention a very convenient, neat and secure fastening for the cover is produced, which can only be removed with the key provided for it, which is to be kept by the teacher or janitor.

2d. The Well itself, after being fastened by two common screws, never has to be removed—the glass lining only being removed when necessary for cleaning, which can be done by unscrewing the cap with a simple turn of the key.

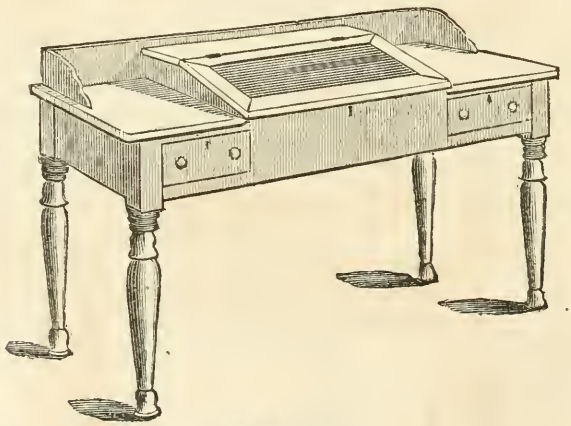
3d. It will not get out of order, as by its simplicity of arrangement there is no lining to corrode. It cannot burst and spill the ink—and cannot be removed and lost by the pupils.

4th. It can be used in the holes where other wells have been inserted.

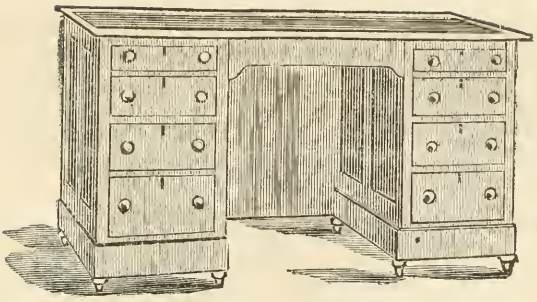
5th. It is economical, as the expenditure for each pupil (where double desks are used) is but twelve and a half cents for his whole school going time.

Price of Ink Well, per dozen, $3; necessary keys furnished gratis.

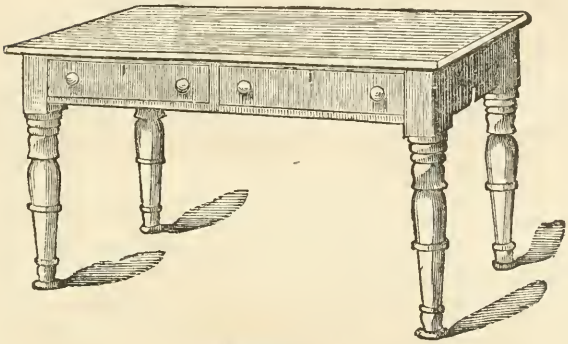
The following engavings represent some of the most desirable styles of teachers' desks.



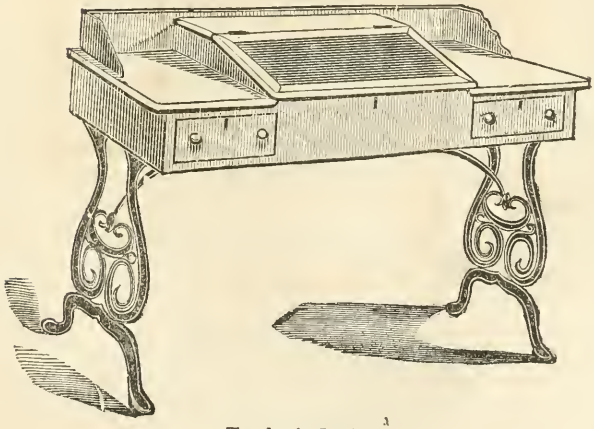
Teacher's Desk.



Teacher's Desk.



Teacher's Desk.



Teacher's Desk.

SCHOOL APPARATUS.

Teachers and school officers should be impressed with the idea that they are dealing with the life of their pupils; that all processes and methods should conform to nature's plan, securing the greatest amount of progress and development in a given time.

Among all the means devised by the practical, earnest educators of the age, none has been more fruitful of beneficial results than that of visible illustrations, in which it may almost be said that *seeing* is *knowing*.

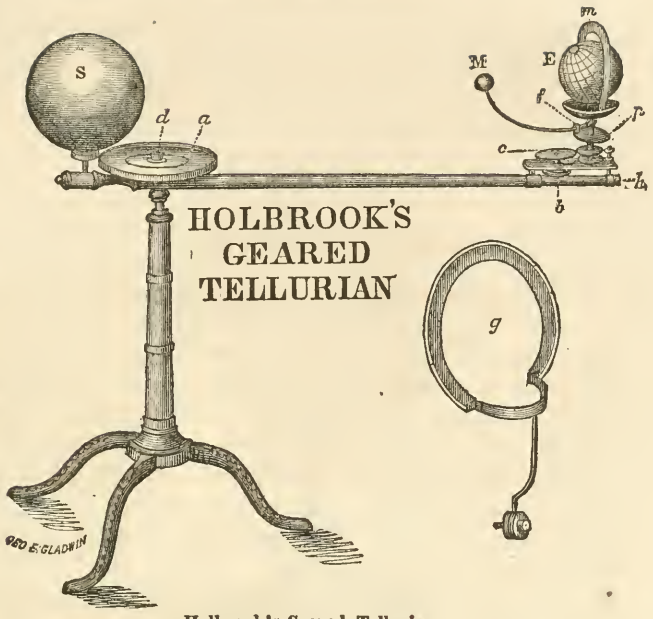
Nature's plan (and she is rarely improved upon) is, to reach the mind through the senses.

We can communicate the idea of the fragrance of the rose to the child much better through his sense of smelling than by a verbal or written description.

How unsatisfactory are all attempts to convey to the mind, in language, that which may be taken in by the eye. "Having eyes they see not," may too frequently be found the cause of superficial and inaccurate scholarship among our most industrious students.

To attempt to teach the revolution of the earth; the cause of day and night; the change of seasons; latitude and longitude, without a Globe; the motions of the heavenly bodies without a Tellurian or Orrery; attraction without a Magnet; cube root without the Blocks; contour or locality without the use of proper Wall Maps, is an unnecessary and inexcusable waste of time.

Below are represented a few articles of apparatus that are indispensable to every well furnished school.

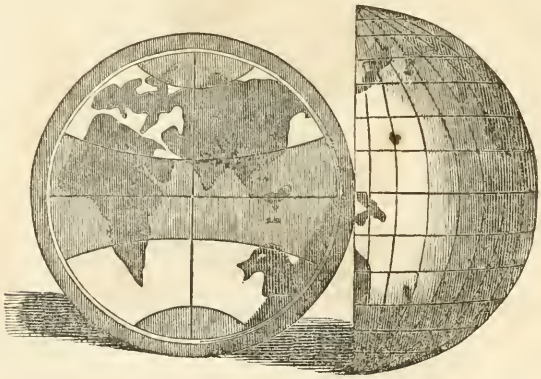


Holbrook's Geared Tellurian.

The Tellurian is designed to illustrate the various phenomena resulting from the relations of the sun, moon and earth to each other, such as cause of day and night, change of seasons, different lengths of day and night, changes of the moon, eclipses, etc.

The foregoing is one of the cheapest styles of Globes, which will answer a purpose to give a general idea of the shape and motions of the earth, and relative positions of the more important countries as represented on the globe.

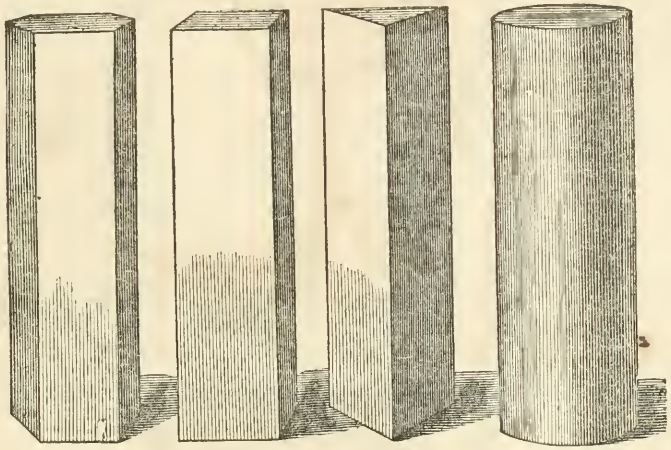
This Globe is one of the very best in size and style for general use. It is not so large as to be very expensive, while at the same time it is large enough to fully answer the purpose of illustration for which a globe is needed. It has a movable horizon, and it being eight inches in diameter gives it a scale of an inch to a thousand miles, as compared with the earth, making, for all practical purposes an inch on the surface of the ball a thousand miles.



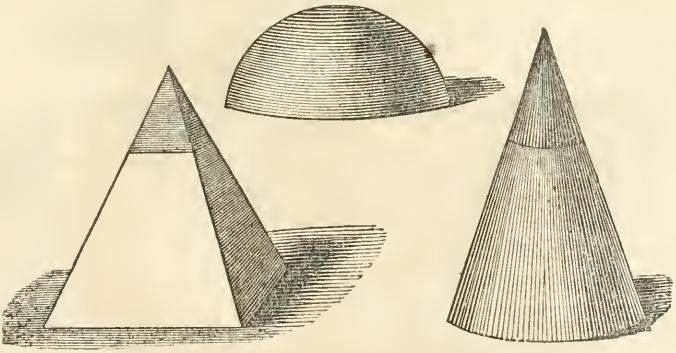
The foregoing represents a Globe composed of two hemispheres and united by a hinge. The two hemispheres are represented both on the flat and convex surfaces of the same. This is an invaluable aid to the pupil in getting a correct idea of a representation of a map of the world on a flat surface.

GEOMETRICAL SOLIDS.

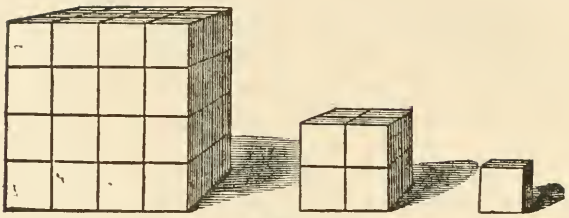
These solids will give pupils definite ideas of the shapes of solids that cannot possibly be given by mere words of description. For explaining the rules for mensuration or solid measurement, they afford the only proper means.



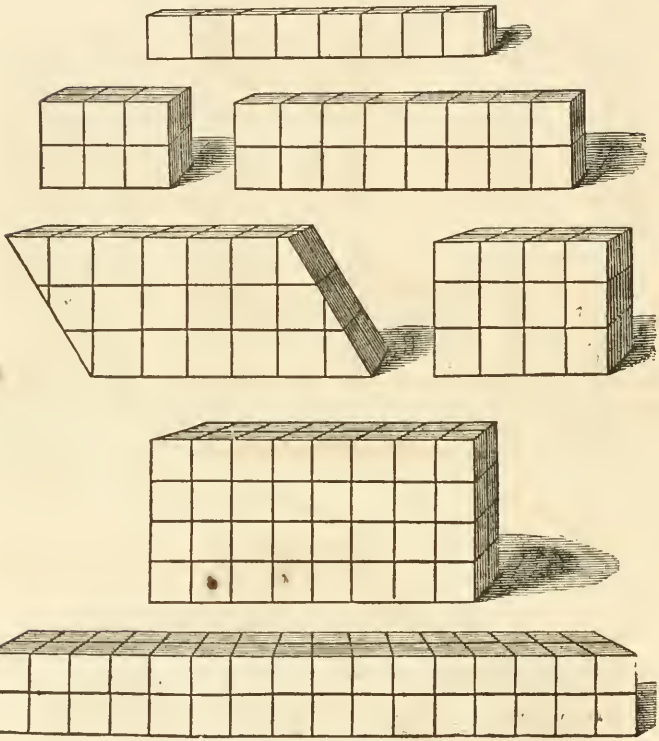
HEXAGONAL PRISM. PRISM. TRIANGULAR PRISM. CYLINDER.



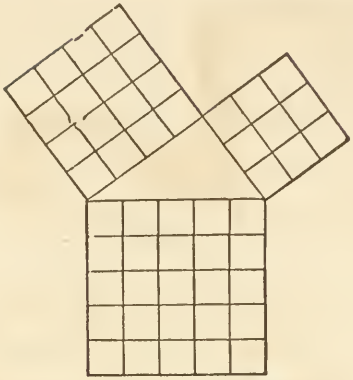
PYRAMID AND FRUSTUM. CONE AND FRUSTUM.



CUBES.

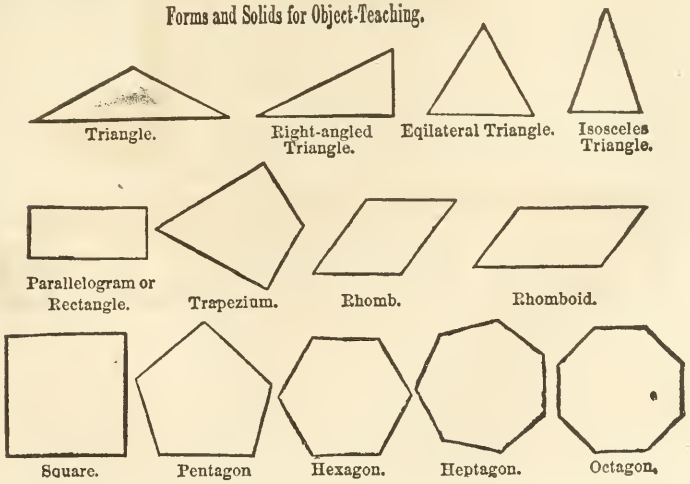


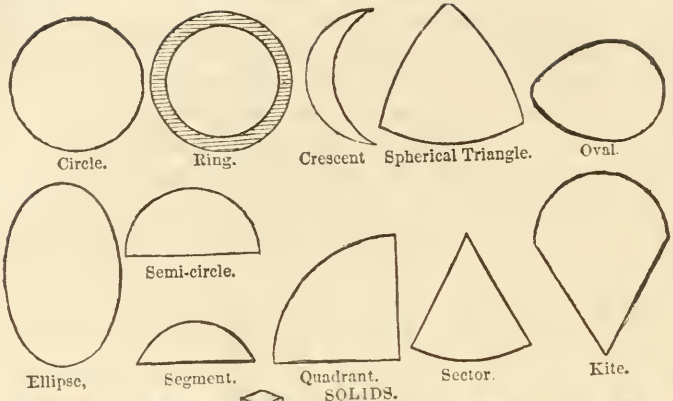
PARALLELOPIPEDS.



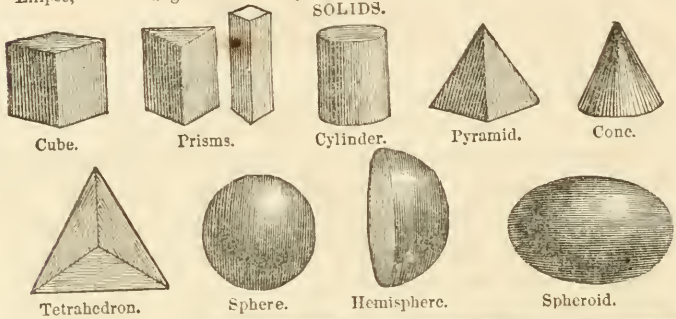
CARPENTER'S THEOREM.

The first use of these solids is for definitions. The best definition of a horse or dog is the horse or dog itself. The great Pestalozzean idea of teaching is to always present the thing itself when it can be done, and never burden the mind with descriptions which are unintelligible. It follows that the best definition for sphere, cube, cone, pyramid, or prism, is the object presented to the eye. For *this purpose* they are needed in primary schools. But they also afford the best illustrations of square and solid measurement.

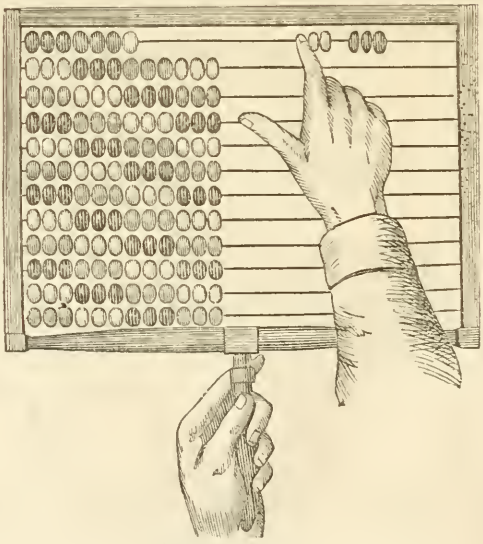




SOLIDS.



The above forms are all made in duplicates, and can be made extremely useful in illustrating numerous figures and forms.



Numeral Frame.

The Numeral Frame is designed more particularly for primary schools, but in the hands of a skillful teacher it is equally serviceable in intermediate and grammar schools. Wherever young pupils require illustrations to enable them fully to comprehend operations with abstract mathematical quantities, this frame furnishes the readiest mode of giving the desired instruction.

The illustrations used in the foregoing articles relating to School Furniture and School Apparatus, have been furnished for the "MANUAL" by Geo. and C. W. Sherwood, of Chicago, Publishers, and manufacturers of School Furniture and Apparatus. Other and similar styles of furniture and apparatus are manufactured in New York, Buffalo and Cincinnati, and have been introduced into western schools to a limited extent. Some of these manufacturers have duly authorized agents in Chicago, where their furniture may be obtained.

OUTLINE MAPS.

Among the necessary articles of the school room are Outline Maps. Of these there are several sets before the public. Mitchell's Maps are perhaps more generally used than any others, and seem to be well adapted to the wants of our district schools. The Maps spoken of, as revised by Prof. Camp, and used in connection with Camp's Geographies, (which are prepared on the outline plan, and designed to accompany Mitchell's Maps,) may be used with excellent effect, as they may also be when used with any other standard geography.

PHYSICAL CULTURE.

During the last five years, more than at any previous time in the history of this country, the attention of leading educational minds has been directed to the importance of a thorough systematic training of the body to give it health and vigor.

One of the first requisites to secure success and happiness in fulfilling our mission as individuals or a nation, is healthy, active physical power.

It has come to be admitted by all, that a sound mind cannot be the tenant of a sickly body,—so that no teacher can be regarded as discharging his duty to community who does not devote some attention to Gymnastics and Calisthenic exercises.

There is a constantly increasing demand for convenient gymnastic apparatus, and for works containing model exercises suited for schools. Only a few simple pieces of apparatus are necessary, such as wooden dumb-bells, Indian clubs, wands and hand-rings.

We take pleasure, in this connection, in referring to the Hand Book of Calisthenics and Gymnastics, a complete Drill Book for Schools, Families and Gymnasiums, with Music and Vocal Exercises accompanying, by J. Madison Watson, a most scientific and practical work. A manual of Gymnastic Exercises for Schools and Families, by Samuel W. Mason, contains many valuable exercises.

FORMS FOR PROCEEDINGS UNDER THE SCHOOL LAW.

At a convention of county school commissioners of the State of Illinois, held in the city of Bloomington, October 1st, 1863, a special committee, consisting of C. P. Taggart, of Peoria; J. M. Pace, of Jefferson, and John B. McCleery, of Livingston, was appointed to consider the subject of "*Forms for Proceedings under the School Law.*" After due deliberation, the committee submitted the following report, and it was unanimously adopted by the convention, to wit.:—

"Your Committee, after a careful and thorough examination of Adams' Series of School Records, published by Adams & Blackmer, of Rockford, Illinois, consisting of Teachers' Daily Registers, Class Books, School Ledgers, School Tablets, Teachers' Schedules, etc. Also of District School Records, Township Treasurers' Books, and other School Blanks, would recommend the publications of Messrs. Adams & Blackmer, as constituting the best system of Records extant, with which we are acquainted. And as an expression of the sense of this convention upon this subject, we would submit the following resolution, and ask for it a unanimous adoption:

"*Resolved*, That the Series of School Records published by Adams & Blackmer, of Rockford, be officially recommended to Teachers and School Officers throughout this State, and that the State Superintendent be respectfully requested to call the attention of School Directors, Township Trustees and Treasurers, and all other School Officers and Teachers, to their great importance, and to adopt such measures as he may deem proper with his official duties, for their adoption by all the schools throughout the State.

C. P. Taggart,
J. M. Pace,
John B. McCleery,
} *Committee.*"

In accordance with this resolution, and by the request of the Publishers, the whole series of Blank Books and Forms mentioned in the foregoing report, underwent a thorough and rigid

examination and revision by this Department. They are popularly known as "Adams' System of School Records for the use of Teachers and School Officers." And they comprise every thing that can be desired in the way of ready prepared, convenient and systematic forms, adapted to the business of the office, the proceedings of the Board, or the exercises of the school room.

In presenting specimens of these valuable forms, we will arrange them in their natural order.

I. FOR THE USE OF SCHOOL DIRECTORS.

Form 1. Election Notice.

Notice is hereby given, That on _____ the _____ day of ____ 186 , a School District Election will be held at ____ in School District No. ____ Township No. ____ Range No. ____ County of ____ and State of Illinois, for the purpose of _____ The Polls of which election will be open at ___ o'clock __ M., and will continue open until ___ o'clock __ M., of the same day.

_____
_____ } *School Directors.*
_____

Dated, ____ 186 .

In new districts the first election may be held on any Monday, notice being given by the Township Treasurer, as for the election of Trustees. In organized districts, notice of all elections shall be given by the Directors at least ten days previous to the day of said election; the notice being posted in at least three of the most public places in the district, and shall specify the *place* where such election is to be held, the *time* of opening and closing the polls, and the *question* or questions to be voted on.

The regular time for holding meetings for the election of school director or directors, is on the second Monday in August, and it is important that such elections be held on that day. See School Law, sec. 42.

Form 2. Poll Book.

List of Voters at an Election held on the ____ day of ____ A. D. 186 , at the _____ in School District No. ____ Township No. ____ Range No. ____ in the County of ____ and State of Illinois.

No.	Names.	No.	Names.

Tally List.

Names of persons or objects voted for.	Tallies.

RETURNS OF ELECTION.

Summary of votes cast for Persons or Objects voted for.

_____Received_____Votes for School Director.
_____Received_____Votes for School Director.
_____Received_____Votes for School Director.
_____Received_____Votes for _____
_____Received_____Votes for _____

CERTIFICATE OF ELECTION.

We hereby Certify, that from the results above given _____ was duly elected School Director for this School District, for the term of three years from this date, and until his successor is elected. Also that _____

_____ } *Judges of Election.*
_____ }

Attest,
_____ *Clerk of the Election.*

This book is made on double sheet flat cap paper, and contains 4 pages. The 1st page contains a record of the filing in the office of the Township Treasurer; the 2nd, a list of voters at the election; the 3rd, a summary of the votes cast for the different candidates or objects voted for, and the 4th, a tally list; the whole arranged according to the School Law of 1861, and is of the utmost importance to the good order and legality of School District proceedings.

"After every election of directors, the judges shall cause the poll book to be delivered to the township treasurer, with a certificate thereon showing the election of said directors and names of the persons elected; which poll book shall be filed by the township treasurer, and shall be evidence of said election." See section 42.

FORM 3. TAX CERTIFICATE.

We hereby certify, that we require the rate of ____ to be levied, for School purposes, on all the taxable property of our district, for the year 186 , and also that the following is a list of tax payers in said district:

Given under our hands this ____ day of ____ 186 .

_____ } *Directors District No.* ___
_____ } *Township No.* ___ *Range*
_____ } *No.* ___ *County of* _____
_____ } *and State of Illinois.*

Names.	Names.

The names of the tax payers are to be written out in full in alphabetical order, for the convenience of the clerk of the Board of Supervisors, or the clerk of the County Court, and filed in his office, properly certified by the Board of Directors, on or before the second Monday in September. See section 44.

FORM 4. CENSUS REPORTS.

Census Report of persons between the ages of five and twenty-one years, and also of persons under twenty-one years of age, residing in School District No___ Township No___ Range No___ in County of ____ and State of Ill., on ____ 186 .

NAMES OF PARENTS OR GUARDIANS.	No. of Males between 5 and 21 years of age.	No. of Females between 5 and 21 years of age.	Total No. of persons between 5 and 21 years of age.	No. of Males under 21 years of age.	No. of Females under 21 years of age.	Total No. of persons under 21 years of age.	

The names of parents or guardians, as well as the number of children belonging to the said parents or guardians, should be reported to the township treasurer, as this will guard against any mistakes being made in reporting the number of persons residing in the district entitled to benefit from the school fund.

This report should be made out, certified by the board of directors, and filed with the township treasurer, at least two days before the first Monday in April and October, in order that the township trustees may make the proper distribution of the school fund, as required in section 34 of the School Law.

FORM 5. CONTRACT BETWEEN TEACHER AND DIRECTORS.

Article of Agreement made and entered into between ____ a school teacher, of_____ county of _____ and State of _____ and _____ school directors of District No. ___ Township No. ___ Range No. ___ county of ____ and State of Illinois, and their successors in office.

The said ____ hereby agrees to teach the public school in said district, for the term of ____ weeks, commencing on the ___ day of ____ 186 , and that __ will faithfully and impartially govern and instruct the children and youth who may attend the same; that __ will refrain from every species of profanity and improper conduct while in their presence; will institute no cruel or unusual mode of punishment in the administration of discipline, and will promptly report to the said directors aforesaid, or their successors in office, the names of all scholars who may be guilty of refractory or incorrigibly bad conduct.

The said ____ further agrees that he will strictly conform to the rules and regulations established by said board of directors for the government of said school, and will faithfully perform all the duties required of __ by the provisions of sections fifty-two and fifty-three of the school law.

The said_____ school directors as aforesaid, or their successors in office, in the name and in behalf of the district aforesaid, hereby agree to keep the

school house in which said school is to be taught in good repair, and to see that it is furnished with the necessary fuel and appendages for the comfort and convenience of the pupils, and to pay the said ____ for services as teacher, the sum of ____ dollars per month, of four weeks of ____ school days of ____ hours each: *Provided*, that in case the said ____ should be dismissed from said school by the said directors or their successors in office, for incompetency, cruelty, negligence, or immorality, or a violation of any of the stipulations of this contract, or in case ____ certificate should be revoked by the county commissioners, _____ shall not be entitled to compensation from and after such dismissal or revocation.

In Testimony Whereof we have hereunto subscribed our names this _____ day of ____ 186 .

------ *Teacher.*

------ } *Directors.*

The form of this contract is simple and complete. It is just what is needed to prevent the many disagreements and dissatisfactions which not unfrequently arise between teachers and directors from merely verbal or imperfectly written contracts. Its cost at most is but three or five cents, and if used it may save both parties a large amount of costs attendant upon vexatious lawsuits, besides much anxiety, trouble and ill feeling towards each other. No district should contract with a teacher without some sort of a *written* contract. It is hoped that the form here presented, being characterized by fairness and legal accuracy, will come into general use by teachers and directors.

FORM 6. DIRECTORS' REPORT TO TOWNSHIP TREASURER.

This Report must be made out and filed with the Township Treasurer on or before the Thursday immediately preceding the second Monday in October.

STATISTICS.

Number of school houses in the district,		Number of private schools in the district,	
Number of departments in school,		Number of teachers employed in private schools,	
Number of male teachers,		No. of different pupils enrolled in private schools during the year,	
Number of female teachers,		Whole No. of pupils enrolled in all the schools during the year.	
Number of months school has been taught,		Number of persons under 21 years of age,	
Number of different boys enrolled during the year,*		Number of persons between 5 and 21 years of age,	
Number of different girls enrolled during the year,		Number of volumes bought for the district library,	
Number of pupils enrolled under six years of age,		Whole number of volumes in the district library.	
Number of pupils enrolled over twenty-one years of age,			
Average daily attendance,†			Month / Day / Year.
No. of teachers who have taught same department less than one year,			
No. teachers who have taught same dep't more than 1 year & less than 2,		Date of election for school director,	
No. teachers who have taught same dep't more than 2 yrs. & less than 3,		Date of election for.....	
No. of teachers who have taught same department 3 years and upwards.		Date of election for.....	

* In reporting the number of different pupils enrolled in the schools during the year, care must be taken not to number any pupil more than once. No pupil must be numbered twice, although he may be enrolled on the daily register every term during the year. Same remark in regard to teachers.

† The average daily attendance is found by dividing the grand total number of days' attendance by the number of days taught.

Receipts.	Dollars.	Cts.	Expenditures.	Dollars.	Cts.
Money in the treasury, October 186 ,			Paid for school house site,		
Special district tax for the payment of teachers,			Building school house,		
District tax for other school purposes,			Fencing school house grounds,		
Apportionment of public fund by township trustees,			Building out houses,		
Apportionment of township fund by township trustees,			Paid for rent of school house,		
Tuition of non-resident pupils,			Repairs on school house,		
			Repairs on school house fence,		
			Paid for transplanting trees and shrubbery,		
			Repairs on out houses,		
			Fuel and other incidental expenses,		
			Amount paid teachers during the year,		
			Paid for district library,		
			Paid for school registers, district records, etc.,		
			Paid for school apparatus,		
			Paid for school furniture,		
			Paid on outstanding debts,		
Total receipts, including money in treasury, Oct. 186 .			Surplus in treasury, October 186 ,		
			Total expend., including money in treas., Oct. 186 .		

Paid male teachers per month, $..... Paid female teachers per month, $.....* Average amount paid teachers per month, $.....†

* Customary usage reckons 20 days, or 4 weeks of 5 days each, as a school month. † The av'ge am't pd. teachers per mo. is found by dividing whole am't pd. during yr. by the number of months taught.

☞ The am't of receipts is ascertained by a settlement with the T'nship Treas., made on 1st Monday in Apr. and Oct., as contemplated in § 42, School Law 1861. The expenditures are what the Directors pay out by orders drawn upon the Township Treas., and the am't is ascertained from the Clerk's record of such orders. The am't of outstanding orders, if any, will equal the excess of money in the treasury over the real surplus, as shown in the Financial Report.

I hereby certify that the above is a correct and faithful report of the Statistics, and Receipts and Expenditures of School District No..... Township..... Range..... County of....and State of Illinois, for the year commencing October....186 , and ending October....186 .

Attest,.....*Clerk.*

.....*Pres. of Board of Directors.*

In order to secure accuracy in the details of our common schools statistics, it is necessary that there should be some common method of collecting and reporting them. Hitherto the returns of statistics from districts have been very incomplete and unsatisfactory, on account of the failure of district officers to report carefully and particularly, to the township treasurer, the information desired, and I am convinced that such failure is to be attributed principally to the want of correct and convenient blank forms for reporting district statistics. To meet this want, and secure accurate and reliable returns, I caused to be prepared and published the preceding blank for the convenience of the clerk of the board of directors. The directors of school districts will cause their clerk to fill up correctly the blank, and forward the same to the township treasurer on or before the Thursday immediately preceding the second Monday in October.

FORM 7. DIRECTORS' ORDER BOOK.

STATE OF ILLINOIS, } ss. $....
County of.... }
.....186 .

Treasurer of Township No. ___ Range No. ___ in said county, ____ pay to ____ or bearer, the sum of ____ dollars, out of any money belonging to School District No. ___ in said township, for ____ with interest at the rate of ___ per cent per annum from date till paid.

By order of the Board of Directors of said District.

No___ _____Clerk. _____Prest.

These orders have a neat filing on the back, also a receipt for the money received from the township treasurer on the order, by the person receiving it, according to sec. 67 of the School Law. They are bound in books of different sizes, containing 100 and 200 orders each.

FORM 8. SCHOOL DISTRICT BOND.

$..... STATE OF ILLINOIS. No.....

Whereas, by an act of the General Assembly of the State of Illinois, approved Feb. 18th, 1861, entitled, "An Act to establish and maintain a system of Free Schools," the General Assembly of the State of Illinois authorized and empowered the directors of any regularly organized school district in this State, on the faith and pledge of said school district, to borrow a sum of money not exceeding three per cent. of the taxable property of the district, on condition of the same being voted for by the legal voters of said district, for the purpose of building or repairing school houses; and whereas, at an election held by School District No. ___ Township No. ___ Range ___ county of ____ and State of Illinois, in pursuance of said act, it was voted to borrow the sum of ____ dollars for the purpose of ______ school house in said district, payable in ____ years, at __ per cent. interest, as appears by record of the proceedings of said school district meeting of the date of ____A. D. 18__

Know now all men by these presents, that School District No. ____ Township No. ___ Range ____ county of ____ and State of Illinois, is justly indebted

and promises to pay to ____ or order, the sum of ____ dollars on the __ day of ____ A. D. 18__. And the said school district does hereby agree and eagage to pay interest on the said sum of ____ dollars, at the rate of ___ per cent. per annum, on the __ day of ____ in each and every year hereafter until the interest shall become due.

In testimony whereof, the said School District has caused this bond to be signed, sealed and delivered by their Board of School Directors, this _____ day of _____ A. D. 18_____.

_____ } *Directors.* [L. S.]
_____ } [L. S.]
_____ } [L. S.]

SCHOOL DIRECTORS' RECORD.

This record, new edition, contains ten parts:

1. For recording the Proceeding of School District Meetings, has printed headings, and is prefaced with suitable forms for recording the proceedings of annual and special school meetings.

2. A Register of School Directors, with printed headings, showing, at a glance, the name of each director elected, the time of his election, the term of his office, and the date when it expires.

3. A Record of the Doings of the School Directors. Like part 1st, it has printed headings, and a preface containing proper forms for recording the action of the directors.

4. A Census Record of the number of persons residing in the district entitled to the benefit of the public school fund. It has printed headings, and shows at once, if properly kept, the number of persons between five and twenty-one years of age; also, the whole number of persons under twenty-one years of age, and the date when the census is taken.

5. A Record of Orders drawn on the Township Treasurer; has printed headings, showing at a glance the amount of money in the hands of the township treasurer on the first Mondays of April and October, and the number, date and amount of each order drawn on the treasurer, in whose favor and for what purpose drawn. It is prepared with proper forms, showing how it may be correctly kept.

6. Teacher's blank Contracts with the School Directors, a specimen of which is given in Form No. 5. They are placed here so that a permanent record of this part of the doings of the directors may be kept. This is one of the prominent excellencies of the book.

7. A Register of the Teachers Employed, showing the name of each teacher employed, the grade of certificate, the salary per

month, the time of commencing school, the date of closing, the length of time taught in months and days, and the total amount of salary due the teacher.

8. A Record of Rules and Regulations adopted by the Board of Directors for the government of the school. (See section 48 of the School Law.)

This part has printed headings, and a preface containing a large number of rules, compiled mostly by Hon. N. Bateman, during his term of office as Superintendent of Public Instruction, from the published codes of schools in Boston, Cincinnati, St. Louis, Chicago, Cleveland, Columbus, Springfield, Jacksonville, and other places, selecting such as are suited to most of the public schools in this State.

This is not an unimportant part of this book. No school can well succeed without proper rules and regulations for the government of both teacher and pupils.

9. A Summary of the Attendance of Pupils, and other facts connected with the school during each term the school is taught. The items here recorded are taken mostly from the Teacher's School Register, and they can be better recorded by the teacher if the record shall be presented to him or her at the close of each school term. This is a most valuable part of the book, as it forms a valuable historic record of the school.

10. Contains copies of the Directors' Annual Reports to the Township Treasurer, a specimen of which is given in Form No. 6.

This form completes the record—a record which no school district in this State should be without. It contains upwards of 300 pages, and is made upon fine, heavy flat cap paper, thoroughly bound on parchment with heavy spring back, half sheep, and muslin sides. The publishers have spared no pains in its manufacture. The whole is made of superior materials, and for durability. With proper care it will last any district for years.

II. FORMS FOR THE USE OF TOWNSHIP SCHOOL OFFICERS.

Form 1. Election Notice.

Notice is hereby given, that on ____ the ____ day of ____ next, at the ____ in Township No. ___ Range No. ___ in the county of ____ and State of Illinois, an election will be held for Trustees of School for said township. The polls of which election will be open at 8 o'clock in the morning, and will continue open until __ o'clock in the afternoon of the same day.

By order of the Trustees of Schools of said township.

------*Township Treas.*

The election for trustees of schools shall be on the second Monday in October, biennially, in townships where such elections have been had, "the township treasurer giving notice of the time and place by posting up notices of the same, at least ten days previous to the day of such election, at or in the school house, or in the most public place in every school district in the township. In townships where no election, at any time, has been had for the election of trustees of schools, the election may be held on any Monday. In this case the clerk of the county court shall cause the notice to be given as stated above." See section 25 of the School Law of 1861.

Form 2. Poll Book.

This book consists of six pages, made upon first quality flat cap paper. The first page has a record for the filing of the book in the office of the county school commissioner. The second page contains forms for the oaths required by law to be taken by the officers of the election.

Section 12, chapter 37, Revised Statutes of the State of Illinois, page 466, requires the judges and clerk of elections for civil officers, previous to the taking of any votes, severally to take an oath or affirmation in the following form, to wit:

I ____ do solemnly swear (or affirm, as the case may be,) that I will perform the duties of Judge (or Clerk, as the case may be,) of this election, according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit and abuse in conducting the same.

Sworn to and subscribed before me, this ___ day of____186 . } ----------
-------- J. P. }

Each of the judges, and also the clerk, of elections for the election of trustees of schools must severally subscribe to the above form of an oath or affirmation. The oath cannot legally be administered to the judges and clerk collectively, as has been done in some cases, but it must be administered to each one sepa-

rately, as required by the law for the election of magistrates and constables. See sec. 27 of the School Law.

The third and fourth pages of the Poll Book contain a list of voters at said election; the fifth page, the returns of election, conformable to sec. 23, Revised Statutes of the State of Illinois, chapter 37, page 468: and the 6th, a tally list.

FORM 3, TOWNSHIP TREASURER'S BOND.

STATE OF ILLINOIS, } ss.
.....County. }

Know all men by these presents, that we _____ are held and firmly bound, jointly and severally, unto the Board of _____ in said county, in the penal sum of _____ dollars, for the payment of which we bind ourselves, our heirs, executors and administrators, firmly by these presents.

In witness whereof, we have hereunto set our hands and seals, this ____ day of _____ A. D. 186 .

The condition of the above obligation is such, that if the above bounden _____ Township Treasurer of Township No. ___ Range No. ___ in the county aforesaid, shall faithfully discharge all the duties of said office, according to the laws which now are or may hereafter be in force, and shall deliver to his successor in office all moneys, books, papers, securities, and property, in his hands as such Township Treasurer, then this obligation to be void, otherwise to remain in full force and virtue.

--------[L. S.]
--------[L. S.]
--------[L. S.]

Approved and accepted by

} *Trustees.*

FORM 4. TOWNSHIP TREASURER'S BOOKS, IN 3 VOLUMES.

The 1st volume is called a Journal and Record. It embraces four parts. The 1st part is entitled a Journal of the Proceedings of the Board of Trustees of Schools, with printed headings, and is for recording fully and at length the acts and proceedings of the Board, their by-laws, orders and resolutions.

The 2nd part is a Register of the Election of Directors, in the several districts in the township, with printed headings, showing at a glance, the name of each school director in the township, the number of the district in which he resides when elected, term of his office, and when it expires.

The 3rd part is a Record in which the Treasurer may enter a description of all notes or bonds belonging to the Township, with printed headings, so arranged as to show at a single view, the name of the debtor, the date of the note, its amount, time when due, and a brief description of the sureties, together with any remarks showing where or in what condition it is.

The 4th part contains a number of township plats, for the proper mapping of the township into school districts.

The 2nd volume is The School Treasurer's Cash Book. In it is entered all the money received and paid out by the Treasurer. It might properly be called the School Treasurer's Day Book. It has printed headings, showing when the money is received, from whom received, on what account, the amount received, when paid out, to whom, on what account, and the amount paid out.

The Ledger and Loan constitutes the 3rd book. This volume consists of two parts. The 1st part is designed for an account book, between the Township Treasurer and the several school districts in the township. On the first or left hand page of the book is to be entered the moneys belonging to the district, as distributed by the Township Trustees, together with the amount of special taxes raised by the district. On the opposite or right hand page, is to be entered the amount paid *out*, to whom paid, and on what account.

The 2nd part is designed for an account book between the Township Treasurer and the Board of Township Trustees. Like the first part, it has printed headings, and shows at a glance the time of loaning the school fund, the amount loaned, the length of time it is loaned, the rate of interest, when the sum loaned is due, the name or description of securities, the amount of interest and when it becomes due, the amount of interest paid, when paid, and any remarks necessary to show where and in what condition the amount loaned may be.

Every Board of Trustees of Schools, and also every Treasurer, is referred to sec. 56 of the School Law, where these books are described in the language of the law, and where every treasurer is required to provide himself with these or similar books; and also to sec. 34, where the Board is directed to make, as their second appropriation, whatever may be due for the said books.

It is of the *utmost* importance that the books of the Treasurer be so kept as to show correctly and at once, to any and all who may wish to know, the actual condition of the school fund.

These books are so arranged that even the most inexperienced will find but little difficulty in keeping them correctly, and with very little trouble.

FORM 5. SCHOOL TREASURER'S NOTES.

$_____ _____18__

_____ after date ____ promise to pay to the Board of Trustees of Schools of Township _____ Range _____ in the county of _____ for the benefit of the school fund of said township, ____ dollars, with interest at the rate of ten per cent. per annum from date until paid, payable semi-annually in advance, for value received.

And we further agree to give any additional security which said Trustees may at any time require; and no extension of the time of payment, with or without our knowledge, by the receipt of interest or otherwise, shall release us or either of us from the obligation of payment.

No____ Due_____ _____

These notes are bound in books of 100 each, half cloth. They have ruling and printed receipts on the back for endorsements. They may be secured by the signatures of two responsible persons besides the maker of the note, where sums not exceeding $100 are loaned, and for a time not less than six months nor more than one year from the date of the note. See sec. 57 School Law.

FORM 6. SCHOOL MORTGAGES.

I, _____, of the county of ____ and State of ____, do hereby grant, convey and transfer to the Board of Trustees of Township ____ Range ____ in the county of ____ and State of Illinois, for the use of the inhabitants of said township, the following described real estate, to wit: _____ Which real estate I declare to be in mortgage for the payment of ____ dollars loaned to me, and for the payment of all interest that may accrue thereon, to be computed at the rate of __ per cent. per annum until paid. And I do hereby covenant to pay the said sum of money in ___ years from the date hereof, and to pay interest on the same at the rate aforesaid half-yearly in advance. I further covenant that I have a good and valid title to said real estate, and that the same is free from all incumbrance; and that I will pay all taxes and assessments which may be levied on said estate, and that I will give any additional security that may at any time be required by said Board of Trustees; and if said estate be sold to pay said debt, or any part thereof, or for any failure or refusal to comply with or perform the conditions or covenants herein contained, I will deliver immediate possession of the premises. And in consideration of the premises ____wife of said _____ doth hereby release to the said Board all her right and title of dower in the afore-granted premises, for the purposes aforesaid.

And the said ____, and _____ his wife, hereby expressly waive, release and relinquish unto the said Board of Trustees, party of the second part, all ____ right, title, claim, interest and benefit whatever, in and to the above described premises, and each and every part thereof, which is given by or results from all laws of this State pertaining to the exemption of homesteads.

In testimony whereof we have hereunto set our hands and seals this____day of _____, 18__

_____[L. S.]
_____[L. S.]

FORM 7. TOWNSHIP CENSUS REPORT.

Census Report of persons between the ages of five and twenty-one years, and also of persons under twenty-one years of age, residing in Township No. ____ Range No. ____ in the county of ____ and State of Illinois, on the ___ day of _____ 18__

NAMES OF PARENTS OR GUARDIANS.	No. of persons between 5 and 21 years of age.	No. of persons under 21 years of age.	NAMES OF PARENTS OR GUARDIANS.	No. of persons between 5 and 21 years of age.	No. of persons under 21 years of age.

III. FORMS FOR THE USE OF SCHOOL COMMISSIONERS.

FORM 1. RECORD OF TEACHERS EXAMINED.

This book is made upon flat cap paper, first quality, bound in half sheep, with muslin sides and tipped corners. It has ruled headings, showing the name, age and nativity, of each teacher examined; date of certificate, the average standing in the branches upon which examination is had, the grade of certificate, and also the date of the annulment of the certificate. See sec. 50 School Law.

FORM 2. TEACHER'S CERTIFICATE.

_____Grade _____County, Illinois, ____18__

The undersigned, having examined _____ in Orthography, Reading in English, Penmanship, Arithmetic, English Grammar, Modern Geography, and the History of the United States, and being satisfied that ___ is of good moral character, hereby certify that ____ qualifications in all the above branches are such as to entitle ____ to this Certificate, being of the _____ and valid in the county for _____ from the date hereof, renewable at the option of the School Commissioner by his endorsement thereon.

Given under _____ hand at the date aforesaid.

_____ } *Examiners.*
_____ }

_____*School Commissioner.*

FORM 3. SCHOOL COMMISSIONERS' RECEIPTS.

$_____ _____18__

Received of_____ School Commissioner of_____ county and State of Illinois, the sum of _____ dollars, _____ this being the amount due from said Commissioner to Township No. ____ Range No. ____ in said county.

_____*Township Treas.*

These receipts are substantially bound in books of 200 receipts each, half cloth, and are designed for permanent use. No Commissioner should be without them.

FORM 4. SCHOOL COMMISSIONER'S NOTE.

$_____ _____18__

_____ after date ____ promise to pay to the School Commissioner of the county of _____ for the benefit of the school fund of said county ____ dollars, with interest at the rate of ten per cent. per annum from date until paid, payable semi-annually in advance, value received.

And we further agree to give any additional security which said School Commissioner may at any time require; and no extension of the time of payment, with or without our knowledge, by the receipt of interest or otherwise, shall release us or either of us from the obligation of payment.

No____ Due_____ _____

_____

_____

These notes, like the School Treasurer's notes, have ruling and printed receipts on the back for endorsements, and are bound in books of one hundred notes each, half cloth.

The School Commissioner may loan money belonging to the county fund upon the same security as Township Treasurer. See section 19, Law of 1861.

IV. FORMS FOR THE USE OF TEACHERS.

FORM 1. SCHOOL REGISTER.

"The most important of all school statistics," says the Hon. J. M. Gregory, Superintendent of Public Instruction of the State of Michigan, "are those that are shown by the Teacher's daily Register of the pupils attendance at school. One of the most material evidences of the progress of a school is wanting where such record is not kept with fullness and care. A properly prepared register should be provided at the commencement of the school, and the name of each pupil should be entered therein, with the date of his entrance. The attendance of each half-day should be carefully marked, and with a good form of register, the amount of tardiness of each pupil may also be kept. It is customary also to mark the daily deportment and scholarship of each pupil, and in our best schools, weekly or monthly reports are sent to parents, exhibiting the attendance and standing of the children. Such reports have a most beneficial influence upon both parents and pupils."

The doctrine here enunciated by the Hon. Superintendent of Michigan, is important, and should be acted upon by every teacher and school officer throughout our country. In the States of Michigan and Iowa, all teachers of public schools are required

by law to keep daily registers, in which the exact attendance of the pupils is to be carefully recorded; it should be so in this State.

There are some good forms of registers kept for sale by many book sellers throughout the State, but the best we have seen is prepared by Rev. O. Adams, formerly Principal of the Public School in St. Charles, in this State. This Register has been prepared with great care, and is very generally used by teachers throughout this and other States. Its peculiar features and advantages may be briefly stated as follows:

1. It is simple in its plan and easily understood. Used in connection with the School Tablet, which is designed to accompany the Register, any teacher can keep it without trouble or loss of time.

2. Each day has two spaces appropriated to it, for forenoon and afternoon, so that the attendance of half-days can all be kept. These spaces are large enough to record in them the actual number of *minutes* each pupil is tardy. The time lost by tardiness in our schools is very great, and when we take into account the days and half-days of absence, the loss is truly surprising. But by keeping such a strict account of tardiness and absence, and reporting the same to parents and guardians, this great evil will be in a measure abated, and can, we trust, finally be eradicated.

The publishers have issued two sizes. The first is arranged for a term of four months, and will record nearly forty pupils on a page, for that length of time, without any re-writing of names.

The second size is arranged for a term of three months, and will record thirty pupils on a page. At the end of each month there is a space for a monthly summary of attendance, and at the end of each term a space for a total summary. The following diagram will give some idea of the "School Tablet" referred to above:

ADAMS' SCHOOL TABLET.

MORNING SESSION.		AFTERNOON SESSION.	
Pupil's No.	Min's Tardy.	Pupil's No.	Min's Tardy.
1	12	1	4
6	20	10	30

It is 9 by 14 inches, made of wood and so arranged that no

ordinary usage can split or otherwise injure it. It is covered with a beautiful coat of liquid slating, with the above diagram drawn upon it, so that pupils or teachers in marking their tardiness, cannot well make a mistake. It is expected that each pupil will be required to mark upon the Tablet, opposite his own number (which signifies his or her name,) the number of minutes he or she may be tardy. Requiring pupils thus to mark their own tardiness, not only assists the teacher in recording the exact time pupils are in school, but it greatly diminishes the pupil's tardiness. Where this system has been faithfully and permanently established in schools, the dreadful evil of tardiness and irregular attendance has been almost wholly overcome. This is the testimony of many of our most prominent teachers who have adopted and practiced this system in their schools.

Form 2. Class Books.

Class books, for recording the daily scholarship of each pupil, are important. The system of marking adopted by the Normal University is perhaps as simple and comprehensive as any now in use. Upon this subject Professor Edwards has dwelt at length, in his article upon the Normal University, page 136, Part 1 of this book, and need not be repeated here.

The publishers of Adams' Class Book have adopted the method practiced by the University, and no change seems to be desired.

Form 3. School Ledgers.

These books bear the same relation to the Daily Register and Class Book that the merchant's ledger does to his day-book and journal. In this age of progression and universal systematizing, this book is deemed by many of great importance. In some respects it would seem to be an essential accompaniment to the books already noticed.

For a description of this Ledger, the reader is referred to the publishers, and of its utility those who have used it for any considerable time are perhaps the best judges. It is noticed here in connection with this excellent system of School Registers which should be adopted by every School Board in our State.

This whole system has been used for a considerable length of time in the Normal University, and is considered by President Edwards and his associate teachers, as the best they have used.

Form 4. Teachers' Monthly Report to the County Commissioner,

For the month ending ..... 186 , in District No. ..... Township No. ..... Range ..... County of ..... and State of Illinois.

..... *Teacher.*

Number of Departments in School.	Number of Teachers Employed.		No. of Pupils Enrolled during the Month.		Whole No. of Pupils Enrolled during the Term thus far.		No. of Days Attendance.	No. Days lost by Pupils' absence from school.	No. of times Tardy during the Month.	Time lost by Tardiness in hours and minutes.		Average Daily Attendance.*	Per cent. of Attendance.†	No. of times Teachers are Tardy during the Month.	Time lost by Teachers on account of Tardiness in hours and minutes.		No. of Classes in School.	No. of Classes assigned to each Teacher.	No. of Pupils withdrawn during the Month.	No. of Pupils expelled.	Number of visits by School Commissioner.	No. of visits by Directors.	No. of visits by Patrons and others.	How many kinds Text Books used in School.	Registers.	Class B'ks.	Spellers.	Arith's.	Readers.	Gram'rs.	Geog's.	Histories.	Algebras.
	Male.	Fem.	Boys.	Girls.	Boys.	Girls.				Hours	Mins.				Hours	Mins.																	

* The average daily attendance is found by dividing the grand total number of days attendance by the No. of days taught.

† The per ct. of attendance is found by dividing the average daily attend'nce by No. pupils in actual attend'nce during the month.

☞ The Teacher will observe the following directions: 1st. Under the head of Remarks, state whether corporeal punishment is practiced in your school, and if so, how many times it has been inflicted during the past month, and for what offences. 2nd. Give the names of those expelled, and the reason of their expulsion. 3rd. Report fully, but briefly, any other important information respecting your school. 4th. Promptly forward this report, properly made out and signed, to the School Commissioner of your county, at the close of each school month.

JOHN P. BROOKS, *Supt. of Pub. Inst.*

REMARKS.

The object of this report is apparent. It is designed to bring the schools of the State under the more immediate supervision of the County Commissioner and the State Department of Public Instruction. Teachers of common schools in each county, reporting statistically the state of their respective schools to the County Commissioner, *monthly*, as indicated by the heading of the form on the opposite page, adding also, in the blank space below, under the heading of "Remarks," such written information as may be deemed proper and useful, will, it is expected, not only be assisted in bringing their respective schools under proper discipline, but the work of supervision, as exercised by the county officers and the State Superintendent, will be greatly aided and facilitated, and the State Department will be regularly supplied, and at short intervals, with accurate and reliable data for representing the actual condition of the Public Schools in the several counties.

Although these reports were not issued by this Department until the latter part of February last, yet they have been adopted by quite a majority of the counties in the State. Several Commissioners have already felt the good results flowing from this system, and are of the opinion that it will greatly add to the efficiency of our Free School System.

The effectiveness and success of the plan here introduced will depend mainly upon the promptness and correctness with which teachers attend to the duties assigned them, and I confidently rely upon their willing and hearty co-operation.

Proper blanks for these reports being furnished to teachers gratuitously by the County Commissioners, it may be confidently hoped that there will be no laxity on the part of the teachers in properly making out their reports and promptly forwarding them to the County Commissioner at the end of each school month, as required in the report.

Form 5. Teachers' Schedules.

The form for Teachers' School Schedules is given in section 53 of the School Law, and need not here be repeated. There are many forms printed, most of which conform to the form given in the Law, but the best we have seen are those published by Adams & Blackmer. The advantages of these schedules are as follows:

1. The ruling is wider than other schedules, which enables the teacher to write the names of pupils more easily.

2. The alternate light and heavy lines across the face of the schedule assist the teacher in following the desired line in making his record, as he approaches the close of the term.

3. It is divided by dark blue lines into months, which will also aid in keeping the record correctly and easily toward the close of the term.

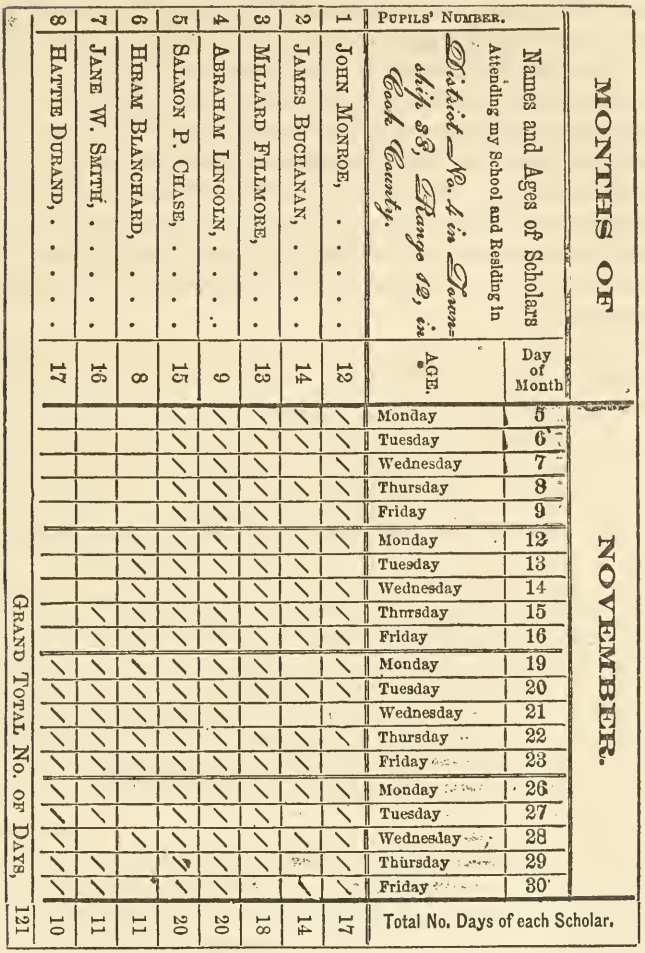
4. The pupils are all numbered down the margin of the schedule, which, at a single glance of the eye, gives the number of pupils recorded on the schedule.

5. The certificates are placed on the back of the sheet, giving the teacher the advantage of the whole page, thus making it more economical for the teacher.

6. It is arranged for the first five days of the week, and for four weeks as a school month, according to the formula given in the School Law. It seems clear that the Legislature intended, at least, to fix the rule that five teaching days shall constitute a week of the school term, as appears from the form of schedule as given in section 53 of the School Law. The confinement of pupils in school five consecutive days in each week is as much, it may may be assumed, as is profitable or healthful.

7. The decisions of the State Department upon the length of a school month is also printed on the back of the schedules, hoping thereby to prevent any misunderstanding which might arise between teachers and directors upon this subject.

8. The following formula for keeping the Schedule is also placed on the back of the schedule, so that inexperienced teachers cannot well mistake the manner in which it is to be kept:



MONTHS OF NOVEMBER.

Pupils' Number.	Names and Ages of Scholars Attending my School and Residing in District No. 4 in Township 38, Range 12, in Cook County.	Age.	Day of Month																											Total No. Days of each Scholar.
				Monday	Tuesday	Wednesday	Thursday	Friday	Monday	Tuesday	Wednesday	Thursday	Friday	Monday	Tuesday	Wednesday	Thursday	Friday	Monday	Tuesday	Wednesday	Thursday	Friday	Monday	Tuesday	Wednesday	Thursday	Friday		
				5	6	7	8	9	12	13	14	15	16	19	20	21	22	23	26	27	28	29	30							
1	John Monroe, ...	12		/	/	/	/	/	/		/	/	/	/	/	/	/	/	/	/	/	/	/							17
2	James Buchanan, ...	14		/	/		/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/							14
3	Millard Fillmore, . . .	13		/	/	/	/	/	/	/	/	/	/	/	/		/	/	/	/	/	/	/							18
4	Abraham Lincoln, . . .	9		/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/							20
5	Salmon P. Chase, ...	15		/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/							20
6	Hiram Blanchard, . . .	8			/	/	/	/	/	/	/	/	/	/	/	/	/	/		/	/	/	/							11
7	Jane W. Smith, ...	16			/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/							11
8	Hattie Durand, ...	17				/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/							10
Grand Total No. of Days,																														121

From the above it will be seen that the names of the months are to be written in the columns for months, at the top of the schedule, and that the days of the month are to be numbered in the blank space immediately above the days of the week. And further, it will be observed that the pupils are all numbered in the first column, at the left hand side of the schedule, that the names of the pupils are all to be written in the second column, their ages in the third, and their attendance in the several columns fol-

lowing, their presence being denoted by a small mark, and their absence by a blank, according to section 53, School Laws of 1861. At the close of the term the teacher must add up and set down the whole number of days attendance of each scholar, and add up said whole numbers and make out the grand total number of days attendance. He shall also note the whole number of scholars—the males and females separately—and the average daily attendance, and shall set the age of each pupil opposite the name of said pupil, as in the form above, and shall attach thereto his certificate, the form of which is given in the law, and need not be repeated here.

The columns denoting the number of scholars, male and female, and the average daily attendance, required by the law to be reported, together with the grand total number of days attendance, the amount paid the teacher per month, the total amount paid the teacher during the term, and also a blank receipt for the money received from the Township Treasurer, upon the schedule, are all printed on the back of the schedule for the convenience of the township officers and others interested in its examination.

The blank books and forms, specimens of which are here presented, are precisely what is needed to remedy the numberless evils resulting from the general mismanagement of our school interests; and here I am not only induced to unite most cordially with the State Convention of School Commissioners, referred to at the commencement of this article, in an official recommendation of them, but to *insist upon their introduction into every School District in the State.*

I am satisfied that the general introduction of these forms into the counties, Townships and School Districts of the State, would insure a more uniform and thorough method of business in the administration of our school officers, remove to a great extent the causes of local disagreements and litigations, and lessen the labor of the State Department many fold. Our letter files will show that the largest correspondence of the Superintendent's office has reference to difficulties arising out of business misunderstandings and disagreements, while these last are very largely attributable to the disorderly and slipshod manner in which the records of school business are kept. Let every School Commissioner, Board of Trustees and Township Treasurer, every Board of Directors

and School Teacher in the State be supplied with these invaluable forms, and I entertain no doubt that the friends of Education will soon witness the inauguration of a new and better order of things in the business workings of our Common School System. Their cost is trifling compared with their great value and importance to every School and School District throughout the State.

We will only add, that school officers are authorized by the law to appropriate from the School Fund a sufficient amount to purchase whatever books and blanks may be necessary for their use.

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The author regrets that some errors—typographical and otherwise—have found their way into this volume. They will be corrected as far as practicable in future editions, which will come more directly and critically under his personal supervision, as they pass through the press. Under the circumstances attending the issue of the first edition, such supervision was impossible. Fortunately, the errors are such as every intelligent reader will be able to correct for himself.

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Prof. J. W. MCDONALD, of the Methodist College at Mt. Pleasant, Iowa, says, under date of December 23, 1861, of the Fifth Reader: "The book surpasses any thing of the kind I have examined. In addition to its merits as a school-book, it is valuable as a Dictionary of Literature and Biography. Its beautiful appearance has charmed me into reading many of the selections which were before familiar."

From Rev. B. F. CRARY, D. D., State Superintendent of Minnesota.

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Prof. SAMUEL P. BATES, Assistant Superintendent of Public Schools of Pennsylvania, says, under date of January 5, 1862: "I find that your series of Parker and Watson's National Readers are going into use in all our leading Normal Schools. They are unquestionably ahead of any thing yet published."

(See next page.)

The *New York Teacher* says of the 'National Fifth Reader': "As a whole, we regard the Book as the best High-School Reader yet offered to the public."

From MOSES T. BROWN, Superintendent of Public Schools of Toledo, Ohio.

In regard to the Readers and Spellers of Parker and Watson, it is sufficient to state, that the different series of other authors were critically examined by our Board of Education and myself, and the decision was unanimous in favor of the National Series. Our teachers are delighted with the books, and none more so than the primary teachers. I consider the series better adapted to our graded-school system than any other now before the public.

From JOHN D. FORD, M. D., President S. N. Board of Instruction for Minnesota.

After a thorough examination of the various excellent Spellers, Readers and Geographies published by the different houses, the Minnesota Normal Board of Instruction, with almost entire unanimity, selected and adopted Parker and Watson's National Series of Spellers and Readers, and Monteith and McNally's Series of Geographies. This decision was made with the more care, as the books selected were to be used in the schools of the State for the next five years. I think we shall have no occasion to regret the decision.

Rev. JOHN D. BONNEL, one of the editors of the *Educational Repository*, made the following report to the Educational Institute of the Methodist Church:

Returning to the field of common orthography, I have yet to notice the Spelling-Books which for happy adaptation for general use, are decidedly the best that have met the eye. I refer to Parker and Watson's National Spellers—Elementary and Pronouncing. I had occasion to notice the latter of these Books, in a report that I made last year. My opinion, after another year's observation of their use, is unchanged; they are the best Spelling-Books published in America. One great recommendation that they possess, with me, is that they are expressly prepared for teaching spelling by writing, instead of orally. Orthography is the correct writing of words. It is only when we want to write a word that we want to know what letters and syllables compose it. The pupil that is taught to write his words correctly comes, by practice, to do so mechanically, unerringly, and without diverting his thoughts from his subject-matter. A spelling book well adapted to this object is, *ipso facto*, one of the best of its kind. The compilation of Parker and Watson, in addition to its decisive excellence, is marked by the following veritable traits: First, a very judicious arrangement and classification of words; second, a good system of phonetic marks attached to letters; third, the pronunciation of difficult words printed in full; fourth, a correct system of syllabication. They are evidently the productions of original mental penetration and actual school-room experience. For the present, at least, THEY BEAR THE PALM.

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W. C. FLAGG,
Sec'y State Hortic'l Soc'y.

Milwaukee, Wis., May 8th, 1864.

* * * It is gratifying to see that something more can be represented on our local maps than the mere political boundaries, the positions of embryo cities and railroad lines. The publication of the geological features, showing especially the great extent of the coal resources, of the mean temperatures and quantity of rain-fall of Illinois, must confer upon that State a great public benefit.

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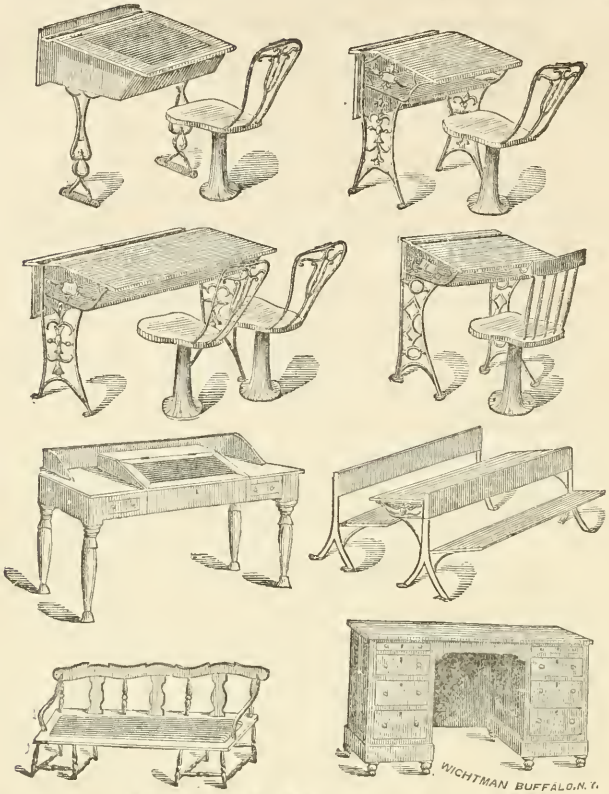

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